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LETTER DATED 10 OCTOBER 1994 FROM THE PERMANENT REPRESENTATIVE OF IRAQ ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith the text of the statement made by Mr. Muhammed Said al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, to a representative of the Iraqi News Agency on 10 October 1994.

I should be grateful if you would inform the members of the Security Council of this statement and have it circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Statement dated 10 October 1994 by the Minister for Foreign Affairs of Iraq to the Iraqi News Agency

Mr. Muhammed Said al-Sahaf, the Minister for Foreign Affairs, made the following statement to the Iraqi News Agency.

In the light of Iraq's contacts with friendly international and regional parties regarding the position with respect to the lifting of the unjust sanctions and of the contacts that those circles have had with it in recent days, during which they expressed concern at the presence of units of the Republican Guard in Basra, some of them noting that this presence will be used as a pretext by the United States to resist in one way or another the pressure being put on it by friends and the international community to change its obstinate position regarding the maintenance of the unjust sanctions against Iraq; and since it has become clear to all that security and stability in the region cannot be achieved as long as sanctions continue to be imposed on Iraq and its people are made to suffer, and that mutual understanding, the lifting of the sanctions and respect for Iraq's rights constitute the only valid way for every party in the region to work according to its size, influence, capacity and creative ability to achieve peace and security in the region; in view of these facts and in response to the requests made by a number of friends, and without calling in question Iraq's right to sovereignty and freedom of action within its national territory, it has been decided to redeploy the aforementioned units to different positions in the rear in order to complete the planned exercises.

We hope that the diplomatic efforts mentioned by friends and by most members of the international community will produce tangible results in the form of a lifting of the unjust sanctions and the affirmation of Iraq's legitimate rights.

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 142

SECURITY COUNCIL
Forty-ninth year

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Letter dated 10 October 1994 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I would like to draw your attention to a grave act of terrorism which was perpetrated yesterday in Israel by Palestinian terrorists. The circumstances surrounding the attack are as follows:

On Sunday, 9 October 1994, at approximately 11.40 p.m., two Palestinian terrorists armed with hand grenades and semi-automatic weapons arrived at the area of the Nahalat Shiva pedestrian mall in downtown Jerusalem. They entered Yoel Solomon Street, a crowded, narrow street lined with restaurants and cafes, and opened fire indiscriminately upon hundreds of passers-by and restaurant patrons. The terrorists threw two grenades and fired hundreds of rounds, killing two people: a young Jewish woman, Ma'ayan Levy, of Moshav Beit Zayit near Jerusalem, and an Arab resident of Jerusalem, Samir Amis Mograbi, whose wife was also wounded. Altogether, 13 people were wounded and evacuated to four hospitals around Jerusalem. Five of the wounded are listed in serious to critical condition. An employee of an aid agency, the United States Agency for International Development, was also wounded in the attack. His condition is listed as stable.

Reinforcements of Israeli police were immediately sent to the area. During the ensuing clash, the terrorists fired hundreds of rounds of automatic fire from their sub-machine-guns. The terrorists were killed by police. Police bomb-disposal experts disposed of seven hand grenades of various kinds found on the bodies of the terrorists and in the vicinity. The attackers, Hassan Abbas and Issam al-Gohari, were identified as residents of the Gaza Strip and affiliated with Hamas.

The Hamas terrorist organization claimed responsibility for the attack.

The attack occurred following significant achievements in the Middle East peace process, and coincides with renewed efforts to advance this process. Similar to previous attacks, this act of terrorism is targeted not only against Israel, but also against the peace process itself.

Israel will not allow this act of violence to weaken its commitment to the peace process. We call upon all parties to the peace process to condemn this crime, to combat terrorist organizations wherever they exist, and to join Israel in advancing the negotiations.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 142, and of the Security Council.

(Signed) Gad YAACOBI
Ambassador
Permanent Representative of
Israel to the United Nations

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Security Council

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S/1994/1151
10 October 1994

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication dated 6 October 1994, which he has received from the Director General of the International Atomic Energy Agency (IAEA).

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Annex

Letter dated 6 October 1994 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

Paragraph 8 of resolution 715 (1991), adopted by the Security Council on 11 October 1991, requests the Director General of the International Atomic Energy Agency to submit to the Security Council reports on the implementation of the Agency's plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991). These reports are to be submitted when requested by the Security Council and, in any event, every six months after the adoption of resolution 715.

Accordingly, I am requesting you kindly to transmit to the President of the Security Council the enclosed sixth biannual report on the implementation of the Plan. I remain available for any consultations you or the Council may wish to have.

(Signed) Hans BLIX

Sixth report of the Director General of the International Atomic Energy Agency on the implementation of the IAEA's plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991)

I. INTRODUCTION

1. On 11 October 1991, the Security Council adopted resolution 715 (1991) which, inter alia, approved the plan submitted in document S/22872/Rev.1/Corr.1 by the Director General of the International Atomic Energy Agency (IAEA) for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of Part C of Security Council resolution 687 (1991) and with the requirements of paragraphs 3 and 5 of resolution 707 (1991). In paragraph 8 of resolution 715, the Security Council requested the Director General of the IAEA to submit to it reports on the implementation of the plan when requested by the Security Council and, in any event, at least every six months after the adoption of resolution 715. The Director General has submitted thus far five reports, circulated on 15 April 1992, as S/23813; 28 October 1992, as S/24722; 19 April 1993, as S/25621; on 3 November 1993, as S/26685; and on 22 April 1994, as S/1994/490.

2. The Director General submits herewith the sixth six-month report on implementation of the plan for ongoing monitoring and verification related to Iraq's nuclear capabilities (hereinafter referred to as the Plan).

3. In addition to providing a semi-annual report on the implementation of the Plan, this document also summarizes the past three years of the IAEA activities in phasing in its Plan, activities which coincided with the continuing implementation by the IAEA of its mandate under the relevant Security Council resolutions to identify Iraq's nuclear capabilities and to dismantle Iraq's nuclear weapons program.

II. HIGH-LEVEL TECHNICAL TALKS

4. Since the last report by the IAEA on the implementation of its Plan, two more rounds of high-level technical talks have been held between the IAEA and the United Nations Special Commission, on the one hand, and Iraq, on the other hand. These discussions were continuations of the talks initiated by a visit of Chairman Ekéus to Baghdad in July 1993 and focused on the implementation of the IAEA and the Special Commission plans for ongoing monitoring and verification and on the resolution of outstanding issues between Iraq and the two organizations. The ensuing series of high-level technical talks marked a turning point in the level of cooperation and support extended by the Iraqi authorities to IAEA and the Special Commission. This change in the Iraqi attitude has enabled inspectors' work to be conducted effectively and has contributed significantly to expediting the process of establishing ongoing monitoring and verification, as called for in the Security Council resolutions. The substantive results of the last two rounds of high-level technical talks are summarized below. Reports on the high-level technical talks have been circulated as Security Council documents, as identified in Appendix A of this report.

5. From 24 to 26 April 1994, the two sides - the IAEA and the United Nation Special Commission, on the one hand, and Iraq, on the other hand - met in Baghdad to discuss issues relating to the implementation of resolutions 687 and 715 (1991). The two sides reviewed the considerable progress made in this regard since the last round of high-level talks, held in New York from 14 to 19 March 1994. It was noted that many actions had been undertaken during that period, including inspections to establish the baseline for implementing ongoing monitoring and verification. Iraq assured the Special Commission and the IAEA that it would respect their rights and privileges established under the Plans. For their part, the Special Commission and the IAEA reiterated their commitment to exercise these rights and privileges in a manner that

respected Iraq's legitimate concerns relating to sovereignty, independence, security and dignity in accordance with the Charter of the United Nations, and to conduct their activities in the least intrusive manner consistent with effective monitoring and verification.

6. A further round of high-level technical talks took place in Baghdad on 4 and 5 July 1994. Discussions focused upon the parties' respective assessments of the stages which had been reached in connection with the two principal responsibilities of the Special Commission and the IAEA: the identification and destruction, removal or rendering harmless of Iraq's capabilities for weapons of mass destruction; and the putting in place and operation of an effective system of monitoring and verification as approved by the Security Council resolution 715 (1991). The Special Commission and the IAEA agreed that the first of these tasks was almost complete, with the destruction, removal or rendering harmless of declared and otherwise identified prohibited weapons and capabilities. As regards the second of these tasks, the Special Commission, the IAEA, and Iraq noted that substantial progress had been made in all the areas covered by the plans for ongoing monitoring and verification.

7. In the nuclear area, the IAEA indicated that the system for environmental monitoring was now well established and anticipated its ongoing development. Having received from Iraq the supplementary information required under the IAEA Plan, the IAEA was in possession of adequate information to support its monitoring activities. The Special Commission and the IAEA indicated that the plans for the installation of sensors were well advanced, and that it was the objective of the Special Commission and the IAEA to have the monitoring system operational in September 1994.

8. The Iraqi delegation stressed the view that it had completed all actions contemplated in the relevant provisions of section C of resolution 687 (1991) and that, consequently, the Security Council should immediately apply paragraph 22 of

the said resolution without any restrictions or further conditions.

9. The Special Commission, the IAEA, and Iraq agreed to continue the dialogue to further the execution of the relevant provisions of the Security Council's resolutions.

10. In addition to the two rounds of high-level technical talks, a meeting was held on 9 May 1994 at IAEA headquarters in Vienna between an Iraqi delegation headed by the Iraqi Deputy Prime Minister, Mr. Tariq Aziz, and an IAEA team headed by the Director General of the IAEA. The actions taken thus far in implementing many elements of the IAEA's plan for ongoing monitoring and verification were reviewed. Confidence was expressed that continued cooperation would contribute to the implementation of the remaining elements in accordance with the tentative schedule envisaged during the March 1994 round of high-level technical talks.

11. In the course of the May meeting, the importance of the establishment in the Middle East of a zone free from weapons of mass destruction, as referred to in paragraph 14 of Security Council resolution 687 (1991), was also stressed by both sides. The Director General stated that the IAEA was doing its best to inform States which may negotiate such an agreement, of the Agency's expertise in the field of verification and of the modes of verification which might be employed.

12. During this meeting, the Iraqi delegation raised the issue of provision by the IAEA of technical assistance in the areas of medical and agricultural applications of radioisotopes and radiation. The IAEA agreed to examine the extent to which technical cooperation might be accomodated within the constraints of the relevant Security Council resolutions.

III. INSPECTION ACTIVITIES

13. Since the last report of 22 April 1994 to the Security Council on the implementation of the Plan, the IAEA has conducted two additional inspection missions in Iraq, bringing the total to twenty-six. The report on the results of IAEA-25 has been brought to the attention of the Security Council in document S/1994/1001; the IAEA-26 report is in preparation. The results of these two inspections are summarized below.

14. The twenty-fifth IAEA inspection mission in Iraq took place from 21 June to 1 July 1994. This inspection was principally directed towards ongoing monitoring and verification activities. Sites covered during this inspection included a number of sites with no known connection to the past nuclear program, but which were judged to have capabilities useful to a reconstituted nuclear program. No activity relevant to those proscribed under resolution 687 (1991) was identified. A video surveillance system was installed and commissioned in the flow-forming machine workshop at Nassr (Taji), and a third video unit was added to the two units already installed in the milling and boring machine workshop at Um Al Ma'arik.

15. During the course of IAEA-25, several meetings were held with the Iraqi counterpart with a view to securing missing information and remedying inadequacies in the Iraqi declarations. In addition, the current activities at a number of sites were reviewed and the non-proscribed use of equipment declared in accordance with Annex 3 of the Plan was confirmed. Follow-up activities from the previous inspections were also completed, including the transfer of irradiated beryllium components from the IRT reactor storage to Location C and the characterization of the different batches of uranium.

16. The twenty-sixth IAEA inspection mission in Iraq took place from 22 August to 7 September 1994. One of the main

objectives of this inspection was to investigate Iraq's former activities in laser isotope separation (LIS) as a follow-up of information received in May 1994 from Member States indicating that Iraq had invested significant resources in this area. The subject of LIS-relevant activities had been addressed first during the seventh IAEA inspection mission, carried out in October 1991. At that time, the IAEA received two written statements from a senior Iraqi official denying the existence in Iraq of any LIS activities and, as a consequence, of any scientist or engineer who had been involved in such activities.

17. The investigation carried out by the IAEA-26 inspection team, which included five experts in LIS technology, resulted in a statement by the Iraqi side that the Laser Division of the Department of Physics of Tuwaitha *"had received, in 1981, an objective from the Atomic Energy Commission to work in Laser Isotope Separation...we started in two lines; one which is looking after the molecular and the other, the atomic direction."* Inspectors were informed that when the achievements of the Laser Division were assessed in 1987, it was decided to downgrade the project to a "watching brief" and to transfer a number of key personnel to other activities.

18. Thus, as finally acknowledged by Iraq, a specific task to explore the feasibility of LIS as a means of producing enriched uranium had, indeed, existed in Iraq. The task appears to have been poorly focused; its declared limited achievements are consistent with the equipment, personnel resources and expertise available, and with the analysis of confiscated Iraqi documents. The team of LIS experts unanimously agreed that the information which had been gathered was consistent with a loosely coordinated and largely empirical approach, but not consistent with achievement of substantial progress in what is a highly complex technology. In the opinion of these experts, nothing was found to contradict the statement by the Iraqi side that they never achieved isotopic separation of uranium either in the metallic or the molecular form. A parallel investigation by the IAEA of

suppliers of laser equipment supports, thus far, the conclusion that Iraq was unable to procure critical pieces of equipment, most notably copper vapor laser systems, from these suppliers.

19. In the course of IAEA-26, the IAEA team also conducted inspections of Iraq's current activities and of the utilization of machine-tools, non-nuclear materials and other equipment, at 15 facilities, installations, and sites.

IV. ASSESSMENT OF RESULTS ACHIEVED IN 26 INSPECTION MISSIONS

20. At the completion of IAEA-26 a total of over 2,500 inspector days had been spent in Iraq since the beginning of inspection activities in May 1991. This involved the deployment of several hundred inspectors and support staff, comprising 35 nationalities. This inspection included 634 visits to 151 different sites, installations, and facilities. Reports of the inspection missions circulated so far as Security Council documents are identified in Appendix B.

A. Identification of the secret Iraqi nuclear program

21. The first task assigned to the IAEA under resolution 687 (1991), namely the identification of the various elements of the clandestine Iraqi nuclear program, was largely completed by the end of September 1991, i.e., six months after the adoption by the Security Council of resolution 687. Charting the map of this program has entailed a number of difficulties, including sometimes dramatic confrontations between Iraqi authorities and the IAEA inspection teams. During this phase of the inspection process, the Iraqi Government employed a strategy of obstruction and delay in its efforts to conceal the real nature of its nuclear projects, while, on the other hand, demonstrating a level of cooperation in some less sensitive areas.

22. The secret Iraqi nuclear program appears to have commenced in 1981, under the code name of `Petrochemical Project 3' or `PC3'[1/]. PC3 consisted of a diversified and well financed approach to developing multiple techniques for the production of highly enriched uranium (HEU). At a later stage, a program to investigate all the practical elements of designing and building a nuclear weapon was added to PC3. In the course of PC3, several techniques for producing HEU were explored, including gaseous diffusion, electromagnetic separation (EMIS), and separation by centrifuge. Preliminary experiments were also conducted in the area of laser isotope separation (LIS) and, later on, around the end of 1987, laboratory-scale research was started on a fifth uranium enrichment method, based on chemical enrichment through ion-exchange and liquid-liquid extraction.

23. In May 1987, as revealed in documents seized by IAEA inspectors, Iraqi activities concentrated on two methods, EMIS and centrifuge, which, in the assessment of the Iraqi scientists and engineers, were the most promising for industrial scale operation in Iraq.

24. A large construction program of industrial scale facilities for EMIS was launched in 1987, followed in 1989 by the construction of a large plant for the mass production of centrifuges. The establishment of an organized structure to carry out weapon-design-related research and development activities dates from April 1988.

25. The Iraqi secret nuclear program was carried out at nine dedicated sites. Fifteen other sites in Iraq (mainly industrial State establishments) supported the PC3 project by providing services of various kinds and manufacturing components to be used in HEU production. The Gulf War stopped this HEU production effort well before any significant amount

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[1/] In the course of IAEA-6, IAEA inspectors confiscated in Iraq 2348 documents totaling 54,922 pages. The dates of these documents range from 1979 to 1991. All of the PC3 documents seized were stamped "Top Secret", the earliest of which bears the date 23 December 1981.

of such material was produced. At the time of the Gulf War, a significant amount of HEU in the form of fresh (i.e., unirradiated) reactor fuel was in Iraq under IAEA safeguards. Additionally other HEU, in the form of irradiated fuel, was present, also under IAEA safeguards. All safeguarded HEU has been accounted for by post-war IAEA inspections and has been removed from Iraq.

26. The rapid identification of the secret Iraqi nuclear program is due, in no small measure, to the continuous support of the UN Security Council and to the assistance extended to the IAEA by its Member States through the provision of intelligence information and of experts who expanded the competence of the IAEA teams in particular areas.

27. The identification of the main components of the secret Iraqi nuclear program was followed by a lengthy process of verification aimed at consolidating the inspection findings. Important details had to be clarified in areas such as the procurement of sensitive materials and equipment and the sources of foreign advice in sensitive technologies, with the objective of arriving at a consistent and reasonably complete picture of PC3. It is the considered opinion of the IAEA, based on the results of the twenty-six inspection missions, the analyses of thousands of samples, the analysis of documents confiscated in Iraq, the assessment of procurement and other information obtained from Member States of the IAEA, that the essential components of the clandestine Iraqi nuclear program have been identified and that the scope of the program is well understood. Although still lacking in some detail, the picture appears complete and consistent.

B. Destruction, removal and rendering harmless operations

28. The second main task given to the IAEA by resolution 687 (1991) concerns the destruction, removal or rendering harmless of the essential elements of the Iraqi nuclear weapons development program, including the nuclear-weapons-usable

material known to have been in Iraq in the form of safeguarded reactor fuel.

29. Extensive destruction of the Iraqi nuclear installations occurred during the Gulf War as a result of air raids by Coalition forces. Additional destruction of equipment and material was carried out by the Iraqi army at the end of the war and prior to the start of the IAEA inspections, in an attempt to remove evidence of its secret program.

30. Since September 1991, i.e., when the scope of the clandestine Iraqi nuclear program came into focus, the IAEA has supervised the systematic destruction of facilities, technical buildings, equipment and other items proscribed under Security Council resolution 687 which had escaped destruction during the war or which had been only slightly damaged. The IAEA teams ordered and supervised the destruction of over 1,900 individual items as well as 600 tons of specialty alloys useful in a nuclear weapons program or in uranium enrichment activities. At nuclear-dedicated sites, specialized process buildings covering a surface area of some 32,500 square meters were demolished with explosives, entailing as well the destruction of a large amount of high quality equipment which had been installed or stored at those sites.

31. With the completion of the destruction, removal and rendering harmless activities to date, the IAEA is satisfied that there remain no practical capabilities in Iraq for the production of nuclear weapons or of nuclear-weapons-usable material (i.e., HEU or plutonium). Should additional prohibited items be located, these items would also be subject to destruction, removal or rendering harmless.

32. As to the quantities of weapons-usable nuclear material (HEU in the form of reactor fuel elements) which were in Iraq under IAEA safeguards, these were found untouched and have been fully accounted for and removed, as referred to above. The operation for removing the special nuclear material,

including a few grams of separated plutonium, has entailed, inter alia, a complex technical effort to clear part of the enriched fuel elements from the rubble of a bombed research reactor.

33. Reports on the status of destruction, removal and rendering harmless activities have been circulated semi-annually as Security Council documents and are listed in Appendix C.

V. PROCUREMENT-RELATED INFORMATION

34. Under the IAEA plan, Iraq is required to declare to the IAEA all items listed in Annex 3 of the Plan. These items fall into two general categories:

- Items prohibited under resolution 687
  Any item falling in this list must be destroyed, removed from Iraq or otherwise rendered harmless.

- Items of relevance under resolution 687
  These are items which could be used to implement activities prohibited under resolution 687, but which may also serve other non-prohibited purposes. The utilization in Iraq of such dual-use items must be monitored.

35. In order to ensure the completeness of the Iraqi declarations, and to ensure the destruction, removal and rendering harmless of all items falling within the first category, verification of the information provided by Iraq on the procurement of key materials, equipment and instrumentation needed in their secret nuclear program is essential. Verification of this information is a prerequisite for establishing a meaningful Plan. This is a lengthy process, requiring identification of the manufacturers and suppliers which in turn calls for the cooperation of the concerned Member States. The inquiries conducted so far by the IAEA in

this delicate matter involve 172 companies and governmental institutions in 27 countries.

36. Since the last report on implementation of the Plan, two outstanding issues, related to procurement, have been resolved through independent verification. These issues concerned the quantities of natural uranium oxide which Iraq had procured from Brazil, and the amount and origin of the maraging steel which, according to Iraqi statements, had been procured through a UK-based intermediary. Both issues were important, since the first concerned the completeness of the inventory of nuclear material existing in Iraq, i.e., the nuclear material balance, and the second related to the amount of stock material that Iraq planned to use for the mass production of centrifuges.

VI. IMPLEMENTATION OF THE IAEA ONGOING MONITORING AND VERIFICATION PLAN

37. With the approval of the Plan by the Security Council in November 1991 in resolution 715, the IAEA began phasing in activities relevant to ongoing monitoring and verification, such as material accountancy and containment measures. These measures have included the establishment of the inventories of nuclear material and other nuclear-related items, the application of seals and the tagging of equipment subject to the Plan.

38. In 1992, a periodic radiometric survey of the main surface water bodies of Iraq (rivers, lakes, and canals) was instituted. The radiometric survey of Iraqi water bodies is now routinely conducted, twice a year. Samples of water, sediment, and biota are collected at 45 pre-established sampling points and shipped out of Iraq for analysis. This technique is sensitive enough to detect radioactive and other chemical signatures which would reveal the existence of undeclared nuclear activities, for example, the operation of a nuclear reactor or a reprocessing plant.

39. The provision by Iraq of detailed information concerning sites, facilities, and installations subject to the Plan, using reporting forms developed by the IAEA has been completed recently. These forms, which cover all the reporting requirements under the Plan, were developed in such a way as to facilitate the electronic processing and updating of the information.

40. On-site inspections are the backbone of IAEA monitoring and verification activities. The value of visual observations and information gathering by experienced inspectors and experts cannot be overemphasized in terms of ensuring the IAEA's ability to respond immediately to developing situations. The procedures for conducting routine and no-notice inspections at sites, facilities or installations subject to the Plan have been thoroughly tested and have proved to be operational. The continuous presence in Iraq of nuclear inspectors, as of the end of August 1994, will facilitate the conduct of no-notice inspections at all sites.

41. The deployment of video surveillance systems to monitor the usage of dual-use equipment, such as high precision computer numerically controlled (CNC) machine-tools, was also begun in mid-1993. The installations are now complete and all of the equipment is operational.

42. Practical arrangements have been made with the Special Commission to coordinate the IAEA's activities in areas of overlapping responsibility, such as video surveillance and no-notice inspection of certain dual-use equipment.

43. Arrangements with the Special Commission have also been made to secure office space in the Baghdad Monitoring and Verification Centre (BMVC), which is now nearing completion, and to share the support services that BMVC will provide, such as aerial photography, high altitude imagery, transportation, communications, interpretation and medical services.

44. On 26 November 1993, Iraq formally accepted Security Council resolution 715 (1991). As underlined in the course of the high-level technical talks, this acceptance by Iraq of the resolution represented a major step towards Iraq's fulfillment of its obligations under the Security Council resolutions.

45. As required in paragraph 7 of resolution 715 (1991), the IAEA, the Special Commission and the Sanctions Committee have developed a mechanism for monitoring future sales and supplies by other countries to Iraq. It is expected that the Security Council will, in the near future, approve this jointly-developed mechanism, which will form an integral part of the IAEA's ongoing monitoring and verification activities in Iraq.

46. At the beginning of 1994, the Iraqi authorities established the National Monitoring Directorate (NMD), which will be responsible for implementing all actions required of Iraq under the provisions of resolution 715 (1991) and the Plans of the IAEA and the Special Commission. An Iraqi document outlining the NMD functions and responsibilities is contained in Appendix D. Iraq is also developing comprehensive procedures to assist its personnel in the implementation of these functions and responsibilities.

47. The Iraqi authorities have also provided to the IAEA and the Special Commission a draft decision, to be promulgated by the Revolutionary Command Council, intended to address paragraphs 34 and 35 of the IAEA's Plan, as well as paragraph 20 of the Special Commission's Plan, which require Iraq to adopt legal measures necessary to implement its obligations under the terms of the relevant resolutions.

48. To implement the Plan effectively, the IAEA requires on continuing basis updated information on sites, facilities, or installations which might harbor activities or utilize items prohibited under resolution 687. In this context, the IAEA has gathered and continues to gather much information of its own from its verification activities. It also acquires information through in-depth analyses of media reports and other open

literature. In the future, it will secure information from detailed reports by States on exports to Iraq of nuclear-related material and equipment. Finally, the IAEA also receives information from its Member States collected through national intelligence means. No information, whatever its provenance, may be ignored, but all information must be critically analyzed to determine its credibility.

VII. CONCLUSION

49. It can be concluded that, with the establishment at the end of August of the IAEA continuous presence in Iraq, all elements of the IAEA's Plan are now in place. Monitoring and verification measures will evolve as technical needs arise and as advanced technologies become available. The implementation of the ongoing monitoring and verification plan does not foreclose the exercise by the IAEA of its right to investigate any aspect of Iraq's former nuclear weapons program, in particular, through the follow-up of any new information developed by the IAEA or provided by Member States, and assessed as warranting further investigation.

APPENDIX A

HIGH-LEVEL TECHNICAL TALKS AND RELATED REPORTS

DATE	LOCATION	REPORT IN DOCUMENT	DATED
31 August-9 September 1993	New York	S/26451	6 September 1993
2-8 October 1993	Baghdad	S/26571	12 October 1993
15-30 November 1993	New York	S/26825	1 December 1993
2-5 February 1994	Baghdad	S/1994/151	29 April 1994
14-19 March 1994	New York	S/1994/341	24 March 1994
24-26 April 1994	Baghdad	S/1994/520	29 April 1994
4-5 July 1994	Baghdad	S/1994/860	20 July 1994

APPENDIX B

IAEA'S INSPECTIONS IN IRAQ AND RELATED REPORTS

INSPECTION	DATES OF INSPECTION		REPORT	DATED	
1	15-19 May	1991	S/22788	12 July	1991
2	22 June- 3 July	1991	S/22788	12 July	1991
3	7-18 July	1991	S/22837	25 July	1991
4	27 July-10 August	1991	S/22986 and Corr. 1	28 August	1991
5	14-20 September	1991	S/23112	4 October	1991
6	22-30 September	1991	S/23122	8 October	1991
7	11-22 October	1991	S/23215	14 November	1991
8	11-18 November	1991	S/23283	12 December	1991
9	11-14 January	1992	S/23505	30 January	1992
10	5-13 February	1992	S/23644	26 February	1992
11	7-15 April	1992	S/23947	22 May	1992
12	26 May-4 June	1992	S/24223	2 July	1992
13	13-21 July	1992	S/24450	16 August	1992
14	31 August -7 September	1992	S/24593	28 September	1992
15	8-18 November	1992	S/24981	17 December	1992
16	5-8 December	1992	S/25013	24 December	1992
17	25-31 January	1993	S/25411	13 March	1993
18	3-11 March	1993	S/25666	26 April	1993
19	30 April-7 May	1993	S/25982	21 June	1993
20	25-30 June	1993	S/26333	20 August	1993
21	24-27 July	1993	S/26333	20 August	1993
22	1-15 November	1993	S/1994/31	14 January	1994
23	4-11 February	1994	S/1994/355	25 March	1994
24	11-21 April	1994	S/1994/650	1 June	1994
25	21 June-1 July	1994	S/1994/1001	26 August	1994
26	22 August-7 September	1994	in preparation		1994

APPENDIX C

IAEA SEMI-ANNUAL REPORTS ON DESTRUCTION, REMOVAL AND RENDERING HARMLESS, PURSUANT TO UNITED NATION SECURITY COUNCIL RESOLUTION 699 (1991)

DOCUMENT	DATED	
S/23295	17 December	1991
S/24110	17 June	1992
S/24988	17 December	1992
S/25983	21 June	1993
S/26897	20 December	1993
S/1994/793	5 July	1994

APPENDIX D

ESTABLISHMENT OF A
NATIONAL MONITORING DIRECTORATE IN IRAQ
(IRAQI DOCUMENT HANDED OVER TO THE IAEA ON 4 JULY 1994)

THE TASKS OF NATIONAL IRAQI MONITORING DIRECTORATE

1. Implementation of SCR 715 (1991) and its provision regarding prohibited activities.

2. The coordination and following-up with different Iraqi Sectors and role liaison officers in the different sectors and facilities (F/I/S).

3. The coordination with the Ministry of Foreign Affairs and other concerned Ministries in implementing SCR 715 (1991).

4. The coordination and support for the different UNSCOM and IAEA teams in carrying out their tasks in the OMV process.

5. The coordination and support for the different UNSCOM teams in carrying out their task in the aerial survey.

6. Following-up of the operation of different sensors installed in different (F/I/S) and give whatever logistical support needed by UNSCOM and the IAEA teams to ensure the normal operation of these sensors.

7. The monitoring of import and export of machines, equipment and material in accordance with agreed upon import export mechanism.

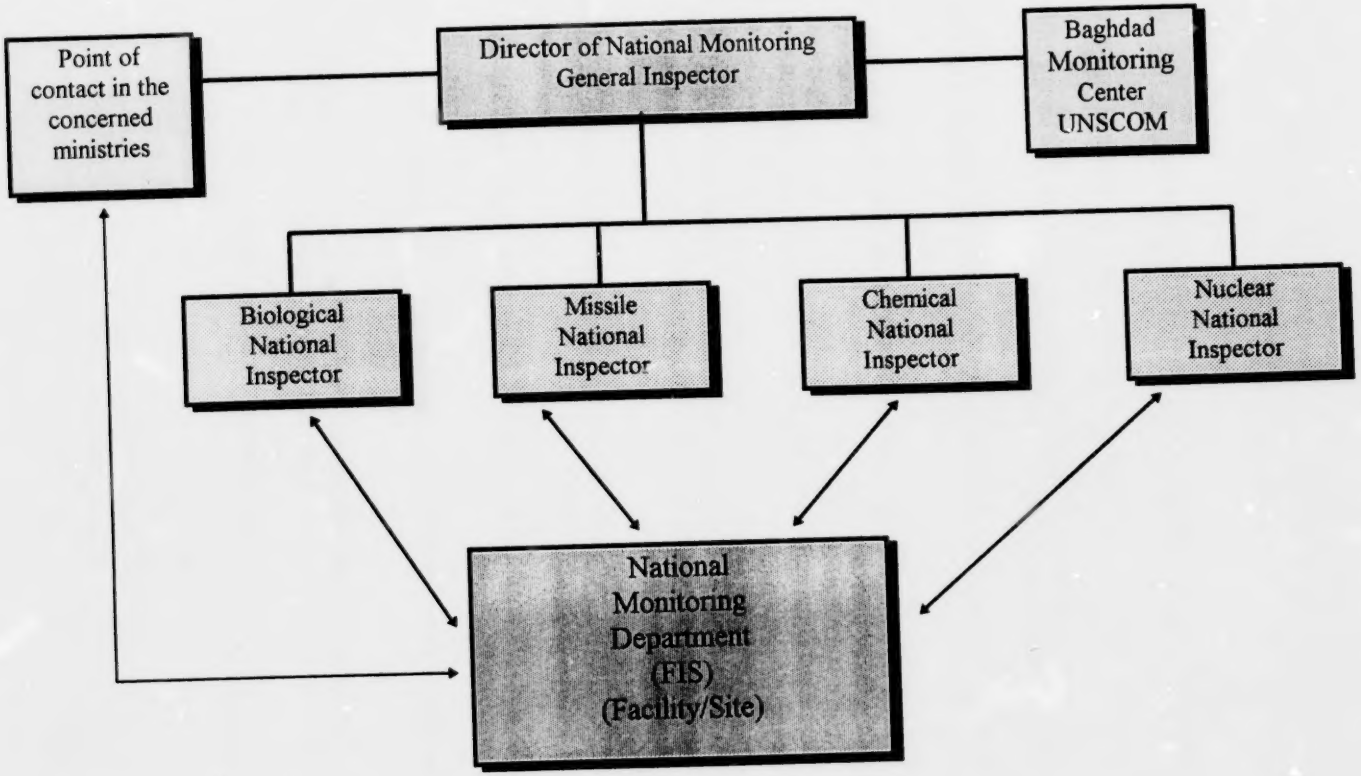
8. The implementation of the roles and provision of different Annexes of the OMV plan (UNSCOM and IAEA).

9. The coordination of different activities with Baghdad Monitoring Center (UNSCOM and IAEA).

10. The assurance in the proper implementation of Iraqi legislative provisions regarding prohibited activities in accordance with pertinent Security Council Resolutions.

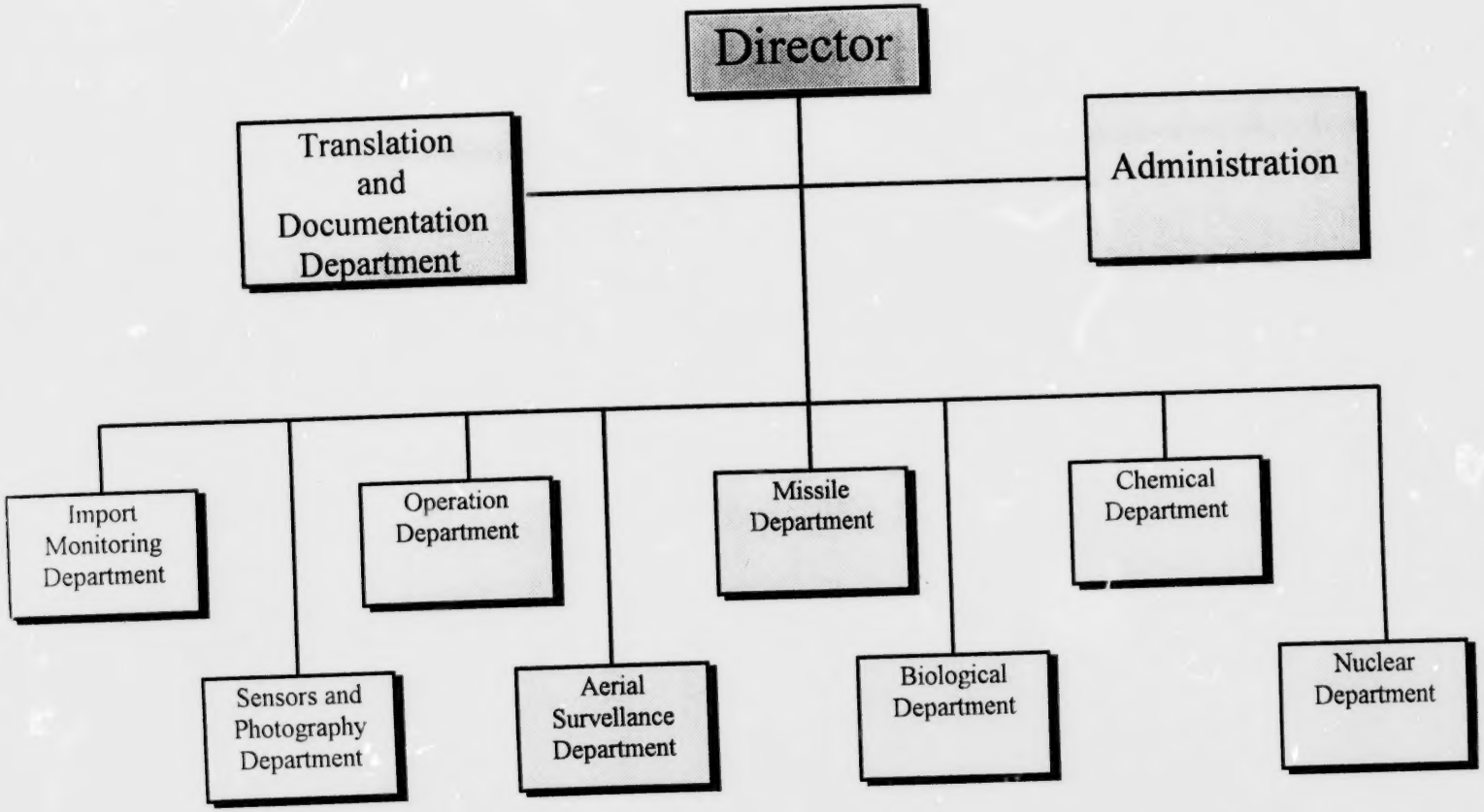
11. Monitoring and Control of movement of equipment and materials covered by the different annexes to resolution 715.

RELATIONSHIP BETWEEN THE NMD AND THE DIFFERENT FACILITIES INSTALLATION AND SITES


Point of contact in the concerned ministries
Director of National Monitoring General Inspector
Baghdad Monitoring Center UNSCOM
Biological National Inspector
Missile National Inspector
Chemical National Inspector
Nuclear National Inspector
National Monitoring Department (FIS) (Facility/Site)

/...

NATIONAL MONITORING DIRECTORATE



UNITED
NATIONS

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Security Council

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GENERAL

S/1994/1152
11 October 1994
ENGLISH
ORIGINAL: FRENCH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN BURUNDI

I. INTRODUCTION

1. This report is submitted to the Security Council pursuant to a decision taken by the Council following informal consultations on 16 September 1994. It follows a series of oral reports made regularly to the Council by my Special Representative to the Council (in particular, on 26 July and 11 August 1994). On 19 August, I myself reported to the Council on the situation and proposed preventive measures designed to avoid a repetition of the Rwandan tragedy in Burundi.

2. It will be recalled that, on 25 October 1993, the Security Council condemned the perpetrators of the military coup and expressed the view that those responsible for the deaths of President Melchior Ndadaye and members of the Government of Burundi and for the subsequent acts of violence should be brought to justice (S/26631).

3. At the same time, the Security Council requested me to monitor and follow closely the situation, in association with the Organization of African Unity (OAU). It welcomed the dispatch of my Special Envoy, Mr. James O. C. Jonah, who visited Burundi from 27 to 29 October 1993. On his return, Mr. Jonah made an oral report to the Council. On 2 November 1993, I sent a letter to the Council (S/26745) informing it in detail of the results of the mission.

4. On 16 November 1993, the Security Council, deeply concerned over the abrupt and violent interruption of the democratic process, demanded the immediate cessation of acts of violence. At the same time, it welcomed my appointment of a Special Representative for Burundi, Mr. Ahmedou Ould-Abdallah, and authorized the dispatch of a small United Nations team to determine the facts and facilitate the efforts of the Government of Burundi and OAU to restore democratic institutions, rebuild confidence and stabilize the situation (S/26757).

5. Since the political situation in the country had stabilized somewhat - particularly with the resumption of the work of the legislature and the appointment of an interim President by the Parliament in January 1994 - I dispatched a fact-finding mission to Burundi, inter alia, to conduct an investigation into the attempted coup d'état of October 1993 and the subsequent

massacres. This preparatory fact-finding mission, composed of Mr. Siméon Aké (Côte d'Ivoire) and Mr. Martin Huslid (Norway), visited Burundi from 22 March to 20 April 1994. The report of the mission was transmitted to me on 24 May 1994, but I saw fit to defer its issuance. Now that a new President has been elected, I intend to bring the report to his attention and subsequently transmit it to the Security Council.

6. The events in Rwanda did not fail to have a negative impact on neighbouring Burundi, and they continue to do so. Following reports that the situation in the country was rapidly deteriorating, the Security Council, on 29 July 1994, expressed its support for the ongoing political dialogue in Burundi aimed at reaching an early agreement on the presidential succession. It called upon all parties to reach rapidly a settlement based on democratic principles and condemned those extremist elements who continued to reject the ongoing negotiations and sought to block progress towards a peaceful settlement. After having heard a detailed oral report by one of my special advisers, it demanded, in a presidential statement, that all parties cease immediately any incitement to violence or ethnic hatred (S/PRST/1994/38).

7. On 11 August 1994, when the situation was deteriorating dangerously, the Security Council decided, during informal consultations, that the members of its mission to Mozambique should proceed to Burundi for a two-day fact-finding mission. The mission, which was led by Mr. Ibrahim A. Gambari (Nigeria) and was composed of Mr. Karl F. Inderfurth (United States of America), Mr. Vasily S. Sidorov (Russian Federation) and Mr. Karel Kovanda (Czech Republic), visited Burundi on 13 and 14 August. Its report was transmitted to the Security Council on 7 September (S/1994/1039).

II. POLITICAL SITUATION

8. Since 6 April 1994, the date on which President Cyprien Ntaryamira was killed when the aircraft in which he was returning with President Juvénal Habyarimana of Rwanda from a regional peace conference held in the United Republic of Tanzania crashed, there have been constant rumours that Burundi was on the point of succumbing to a crisis as serious as that which Rwanda had just experienced. I have therefore followed the situation very closely and my Special Representative, Mr. Ould-Abdallah, has kept me informed on developments on a daily basis. Immediately following the death of President Ntaryamira, my Special Representative set himself the task of convincing the political class in Burundi that there was no advantage in giving an ethnic or political connotation to this purely accidental tragedy.

9. He appears to have achieved his objective since the situation, although still fragile, is not really explosive. The interim President, Mr. Sylvestre Ntibantunganya, for example, felt that he could leave the country while negotiations on the presidential succession were in progress to participate in the summit meeting of OAU in Tunis in June 1994.

10. Nevertheless, even though the Government of Burundi has adopted a position of strict neutrality towards the Rwandan conflict and has decided to condemn the genocide while supporting the implementation of the Arusha Agreements and

backing the Prime Minister, Mr. Twagiramungu, it has been impossible to prevent the two ethnic groups - the Hutu majority and the Tutsi minority - which cohabit in Burundi from following closely the situation of their brothers in Rwanda. Inevitably, the Rwandan crisis has had, and continues to have, an impact on the political situation and on security conditions.

11. Since 6 April 1994, political life has revolved around the selection of a president, an essential element in the stabilization of the situation in Burundi. In the beginning, the political class hoped that a president would be elected in time for him to be able to participate in the OAU summit meeting. Then it was hoped that the new president would be installed by the national holiday, 1 July. Subsequently, since the negotiations continued to encounter obstacles, the political parties (list in annex I) agreed on a new deadline: 12 July, in other words the constitutional deadline for the installation of a new president.

12. These continual postponements reflected the complexity and underlined the difficulty of the negotiations, which were characterized by constant manoeuvres on the part of the opposition, for the most part Tutsi, 1/ and a lack of flexibility on the part of the essentially Hutu majority. 2/ The opposition, strengthened by the Tutsi victory in Rwanda, constantly introduced new demands and conditions which it was difficult for the President to take into account without losing his credibility with his own party, FRODEBU. Progress was thus extremely slow and in the meantime the situation deteriorated. Not a day went by without rumours of "dead city" operations or coups d'état circulating in Bujumbura.

13. The fact is that there continues to be great distrust between the Hutu and the Tutsi. FRODEBU was convinced that the Tutsi opposition, relying on the support of the army, was seeking to deprive it of the gains it had achieved in the elections of June 1993. Some of its supporters were inciting the population to fight to preserve those gains. On the other hand, the mainly Tutsi opposition parties, which had not forgotten the October 1993 massacres and the fate suffered by their Rwandan brothers, insisted on being given political guarantees and being allowed to participate in the Government. They virtually demanded that they should have the right of veto over all the major decisions of the Government.

14. It is clear that the negotiations have taken longer than necessary. Every time progress was achieved and a problem was resolved, the negotiators added a new item to the agenda. Extremist elements within the majority and the opposition were clearly playing a destabilizing role and thus contributing to the deterioration of the situation.

15. On 11 July 1994, in order to avoid a dangerous political vacuum, the Constitutional Court decided to extend by three months the interim period which was due to expire the following day. A forum of recognized political parties and representatives of civilian society, or Forum of the Negotiations, was then established to examine two major questions: power-sharing and the modalities for the appointment and election of a new president.

16. As indicated above, on 29 July 1994, the Security Council adopted a statement supporting the political dialogue and condemning the extremist elements who were opposed to the negotiations.

17. On 10 September 1994, the Forum of the Negotiations reached a first agreement, on power-sharing. Initially, 9 of the 13 political parties (subsequently joined by a tenth party) signed a Convention of Government which made provision, as soon as a new president had been chosen, for: a Government of 25 members (55 per cent from the Hutu majority) appointed by the President; a four-year transitional period; the appointment of a Prime Minister from the opposition who would countersign the President's decisions; and, lastly, the creation of a National Security Council of 10 members, equitably divided between FRODEBU and the opposition.

18. The Tutsi opposition had demanded (a) the creation of a post of Vice-President who would hold the defence and security portfolios and be selected from among its ranks; and (b) the establishment of a Council of State to counterbalance the President's powers. No action has been taken for the moment on those demands. It will be for the National Conference, which should, in principle, be held at the beginning of 1995, to take a decision in that regard.

19. Most of the people of Burundi were relieved at the news of the signing of the Convention of Government. I myself expressed my satisfaction on 14 September 1994 (SG/SM/5412) and encouraged the negotiators to pursue their efforts.

20. On 18 September, the Forum of the Negotiations reached a second agreement, on the modalities for the appointment of a new president. Of the 13 political parties, 10 decided that candidates for the presidency would have until 22 September to file their candidacies with the Ministry of the Interior. The National Assembly would then select the new president.

21. On 19 and 20 September respectively, the Prime Minister presented the Convention of Government to the army and to Parliament. For the first time, a FRODEBU/UPRONA delegation explained the terms of the Convention to members of the army. A number of ministers and government officials went into the countryside to explain it to local leaders.

22. By 22 September, only three candidates had filed their candidacies with the Ministry of the Interior: the interim President, Mr. Sylvestre Ntibantunganya; the President of UPRONA, Mr. Charles Mukasi; and an independent candidate.

23. In the meantime, it was decided that, before proceeding to the selection of a new president, the Government would ask the National Assembly to amend the Constitution to incorporate into it the Convention of Government and its annex on the modalities for the appointment of a new president. The Government would therefore submit amendments for a legal opinion and would then refer them to the National Assembly for adoption. On 22 September, the National Assembly endorsed the amendments.

24. By 26 September, there were six candidates in contention: the interim President and leader of FRODEBU, Mr. Sylvestre Ntibantunganya; the President of UPRONA, Mr. Charles Mukasi; and four independent candidates.

25. Finally, all the political parties, with the exception of PARENA, signed the Convention of Government and the annex thereto. The Forum of the Negotiations then convened the signatory parties in order to appoint a consensus candidate. Eight parties - four majority and four opposition - appointed the interim President, the official candidate of FRODEBU. The latter was elected by the National Assembly by 68 votes to 1, on 30 September 1994. On 1 October, he was sworn in before the National Assembly and the constituent bodies. On 3 October, after consultation with the signatory political parties, the Prime Minister, Anatole Kanyenkiko, was confirmed in his functions. He immediately initiated talks with a view to the formation of a new government of national unity, which was constituted on 5 October (see list in annex II). This Government, consisting of 25 members (of whom 12 were confirmed in their functions and 13 were new), is a coalition Government since 7 of the 13 political parties are included in it. With the exception of the Minister of National Defence and the Minister of Justice and Keeper of the Seals, the members of the Government come from all the political groupings which signed the Convention of Government, the proportions being 55 per cent from the forces for democratic change and 45 per cent from the opposition political parties. The six parties which did not obtain places in the Government are: the Parti libéral, the Alliance nationale pour le droit et le développement (ANADDE), the Parti pour la réconciliation du peuple (PRP), the Parti socialiste démocrate (PSD), the Alliance burundo-africaine pour le salut (ABASA) and, lastly, the Parti pour le redressement national (PARENA), which had not signed the Convention of Government. Some of these parties will, however, probably be accommodated and will obtain other official responsibilities.

III. SECURITY PROBLEMS

26. The situation in the country is characterized by a serious deterioration in security and a breakdown of law and order. As I have already pointed out, since 6 April 1994, there have been constant rumours of a coup d'état in Burundi. On 25 April, an attempted coup d'état was thwarted. In July, disturbances broke out in the largely Hutu suburbs north of the capital - Gasenyi, Kemengé and Kinama - which harbour armed groups. Some disturbances were politicized and were instigated by the (illegal) Parti pour la libération du peuple hutu, PALIPEHUTU; others were independent actions and anarchist; lastly, some were in opposition to the army. The security forces managed to disarm these groups in part, at Kamengé, in particular.

27. The atmosphere in the capital has, however, remained tense and many foreign residents have chosen to leave the country. The military forces have attempted to resolve the security problems and the interim President has not been sparing in his appeals for calm, encouraging displaced persons to return to their homes.

28. The climate of insecurity which persists in Burundi is linked to the investigations and revenge in connection with the crisis of October 1993: the Hutu believe that the investigations are not impartial and are essentially

directed against them. They maintain that they disregard the civilian and military personnel involved in the attempted coup d'état. For their part, the Tutsi believe that the investigations are partial and do not take account of the perpetrators of the massacres subsequent to the coup d'état.

29. In the meantime, a clandestine radio station is operating intermittently, inciting hatred among the Hutu and encouraging them to take up arms against the Tutsi. These broadcasts have a clearly negative impact on security conditions.

30. The security situation therefore remains extremely unstable. Clashes between security forces and armed Hutu rebels occur very frequently in a number of provinces. Armed attacks on notables - especially Hutus - are common. The helpless population takes flight upon seeing or hearing about each violent incident. This is particularly true at Bujumbura where, after the slightest increase in attacks or repression, the population seeks refuge in the Buiza and Buyenzi districts. This is also true in the interior of the country, where the population flees to the United Republic of Tanzania and Zaire or hides in the marshes and forests in order to avoid being set upon by the security forces or taken hostage by the radicals of their own ethnic group.

31. Consequently, about a dozen German cooperation workers have been urged by their Government to return home. The French and Belgian cooperation workers are still in Burundi but most of their families have remained in Europe and will not return until January 1995. Similarly, security problems led Kenya Airways and Ethiopian Airlines to suspend their flights to Burundi temporarily, since the reinsurance companies had decided not to cover the inherent risks in Burundi. Since then, however, Ethiopian Airlines has resumed its flights.

32. For all these reasons, my Special Representative is concerned about the impact of the transfers of Rwandese refugees from Bukavu to Uvira. He fears that this flow of refugees, to a place only about 20 kilometres from the border, may further destabilize the situation. A delegation of the Burundi Government recently went to Kinshasa to discuss this problem with the Zairian authorities. It seized the opportunity to draw the attention of those authorities to the presence at the Zairian border of the former Minister of the Interior, Leonard Nyangoma, who was banished from the Government last April because of his extremist positions. Some sources allege that Mr. Nyangoma, who has set up a "National Council for the Defence of Democracy" to oppose the process which culminated recently in the signing of the Convention of Government, was at the origin of the disturbances which broke out at Kamengé in July.

33. In this connection, the Council will recall that on 19 August 1994, when I presented to it an oral report on the situation in Burundi, I suggested that a military presence should be maintained in Zaire so that it could intervene rapidly if the situation in Burundi deteriorated. In my opinion, it was necessary to take preventive measures to avoid a repetition of the events in Rwanda and to encourage the Burundi army to keep the country calm. I also supported the suggestion of my Special Representative favouring the establishment of a "humanitarian base" at Bujumbura airport. For many reasons, that idea was not put into practice.

IV. HUMANITARIAN CRISIS

34. Currently, just over one million people need humanitarian assistance: 600,000 displaced Burundi, 70,000 Rwandese refugees who arrived in the period 1959-1993 and 207,000 Rwandese refugees who arrived after April 1994. The earlier refugees have for the most part become relatively well integrated in their host countries. Currently, many of them have been registered by HCR with a view to organizing their voluntary repatriation to Rwanda. For the new group, with the exception of some 10,000 Rwandese refugees who arrived more recently, HCR has found sites to which the refugees have been transferred, where they are receiving multisectoral assistance.

35. In order to assist them, the World Food Programme (WFP) has established five regional offices. Its aim is to encourage self-sufficiency and reconstruction. Currently, WFP is trying to encourage the refugees to return home by giving them food rations for one month, together with seeds and tools to enable them to plant future crops. The refugees who cannot sow crops now will unfortunately have to depend greatly on food aid until at least July 1995. Since December 1993, WFP has provided 70,000 tons of food aid. This figure is expected to rise to 120,000 tons by the end of this year. Since Burundi is a land-locked country, most food aid arrives at the port of Dar es Salaam and is then transported by rail or road. On three occasions, aid has had to be carried by air from Luanda and Dar es Salaam. Transport is difficult, for trucks are sorely lacking in Burundi and when the coffee harvest season arrives, the trucks are mobilized and emergency aid operations are inevitably affected. The recent arrival of WFP trucks from Eritrea has improved the situation considerably.

36. HCR is continuing to look for lasting solutions for both the refugees and those who have been repatriated. It is clear that these solutions can only be found within the framework of a comprehensive political solution and a regional approach. That is why I asked Ambassador Dillon to undertake a mission to Rwanda, Burundi, Zaire and the United Republic of Tanzania from 8 to 22 September to examine the situation from a regional angle. Ambassador Dillon has just submitted his mission report to me and it is currently being studied.

V. HUMAN RIGHTS SITUATION

37. Although Burundi is now experiencing a relatively calm spell, the situation remains chronically insecure and there are many violations of human rights, both on the outskirts of Bujumbura and in the provinces. These violations, which in most cases go unpunished, originate in ethnic radicalism which leads to reprisals and violence.

38. It is against this background that the High Commissioner for Human Rights and the United Nations Centre for Human Rights have initiated a technical assistance programme whose main objective is to help strengthen the implementation of human rights and fundamental freedoms.

39. It was thus decided to establish at Bujumbura an office responsible for implementing this assistance programme, particularly as regards human rights

education and training for all sectors of public life, the constituent bodies and the judicial system.

40. The human rights office began operations on 15 June 1994 and it has been estimated that it currently has sufficient resources and personnel to attain all the objectives defined in the assistance programme. This programme has aroused so much interest that during the High Commissioner's most recent visit to Burundi, on 18 and 19 August 1994, the Burundi authorities expressed the hope that staff of the Office would be increased to about 10 officials. The presence of this human rights office constitutes a model of preventive diplomacy aimed at stopping human rights violations, facilitating reconciliation and tolerance and creating a genuine human rights culture in Burundi.

VI. OBSERVATIONS AND RECOMMENDATIONS

41. Although the election of a new president has stabilized the situation somewhat, it nevertheless remains precarious and the international community should therefore continue encouraging the moderates to re-establish democracy in Burundi. From this standpoint, it has been noted that the declarations and encouragement provided by the Security Council and myself are producing results. The interest which Member States take in Burundi, as reflected in the many missions and visits by high-level politicians in recent months, should not decrease but should on the contrary be maintained.

42. The activities of my Special Representative have likewise encouraged the principal actors on the political scene to act together in a spirit of consensus. The conference on democracy organized in January with the participation of such countries as Belgium, France, Sweden and the United States, the peace marathon in April, and the conference on national dialogue organized in May in cooperation with the Swedish Institute for African Studies, have all convinced the people of Burundi that they have not been forgotten.

43. It is clear that, as the months have passed, the mandate of my Special Representative has changed. His priorities (establishment of a political dialogue and re-establishment of institutions) have changed and are now concerned with restoring stability in Burundi and the organization, early in 1995, of a national debate on the problems of cohabitation between the two principal communities.

44. My Special Representative has always provided assistance in connection with the difficult negotiation process, giving much advice and making many appeals for moderation and calm. His responsibilities have increased and that is why I will not hesitate to implement one of the proposals made by the fact-finding mission led by Ambassador Aké - which was, moreover, endorsed by the mission which the Security Council sent to Burundi in August - namely, to strengthen the office of my Special Representative.

45. Furthermore, I feel bound to endorse another recommendation made by both missions, namely that an international conference on the problems of the subregion should be convened. I am currently studying the recommendations on this subject which Ambassador Dillon has just submitted to me.

46. In the meantime, the United Nations is ready to provide assistance to the Burundi Government, at the latter's request, with a view to ensuring that the perpetrators of any violations of international law which may have been committed in Burundi are brought to court.

VII. CONCLUSIONS

47. Burundi constitutes a unique challenge for the international community, which is morally obliged to take action to ensure that the tragic events in Rwanda are not repeated in Burundi. The key to the problem is clearly in the hands of the Burundi people. Nevertheless, they deserve to receive the material and moral support of the whole international community in order to attain the objectives they have set themselves. Compared with the exorbitant amounts that would be needed for emergency assistance if the Rwandese tragedy were repeated in Burundi, the price to be paid for prevention today seems minimal.

48. In this connection, I should like to repeat the suggestions I made to the Security Council on 19 August 1994, for I feel that today they have an even greater claim on our attention. In addition to the establishment, already mentioned in paragraph 33, of a "humanitarian base" at Bujumbura airport, an idea on which, unfortunately, no unanimity could be reached in Burundi, the Council will recall that I suggested: (a) the maintenance in Zaire, subject to the agreement of the Zairian Government, of a military presence capable of intervening rapidly if the situation in Burundi should deteriorate suddenly, a preventive measure which I felt would avoid a repetition of the tragic events in Rwanda; (b) the deployment of a contingent of guards, similar to those sent to Iraq, to protect the humanitarian organization teams, which often have to work in insecure conditions; (c) the stepping-up of technical assistance to enable the Government of Burundi to set about reconstructing the country; (d) the deployment of human rights observers, as recommended by the High Commissioner for Human Rights and the many missions which have visited Burundi, in order to facilitate the process of national reconciliation; (e) the strengthening of the office of my Special Representative for Burundi which must currently, among other things, help the Government to prepare the national debate scheduled for the beginning of 1995; (f) the organization of a regional summit with the participation of all the countries that would be seriously affected by an explosion in Burundi; and, lastly, (g) more visits to Burundi by eminent persons from abroad in order to show the people of Burundi that they have not been forgotten by the international community.

49. The coalition government which has just been established must now tackle the critical task of reconstructing the country and reactivating, once again, the difficult process of national reconciliation. Burundi will therefore need the support of the international community more than ever. In that connection, I am glad that, at the meeting of donor countries held in Paris on 28 September, the partners of Burundi decided to coordinate their investment efforts and reiterated their desire to help Burundi to revive its economy, solve its budgetary problems and encourage the return of refugees and displaced persons. I hope that the round table that UNDP and the World Bank are to organize in Geneva in the first quarter of 1995 will enable those countries to pursue their coordination efforts.

50. I would not wish to end this report without paying a tribute to the tireless efforts that my Special Representative, Mr. Ould Abdallah, has been making since he took up his duties to prevent a crisis. I also wish to thank the small team that works with him in difficult or even dangerous conditions, the non-governmental organizations active in Burundi and the Governments which have been good enough to provide moral and financial support to the Burundi authorities during this particularly difficult period.

Notes

1/ UPRONA, INKINZO, ANADDE, PSD, PIT, RADDES, PRP, ABASA and PARENA.

2/ FRODEBU, PP, RPB and PL.

Annex I

List of political parties

ABASA	Alliance burundo-africaine pour le salut (Mr. Térence Nsanze, President)
ANADDE	Alliance nationale pour le droit et le développement (Mr. Ignace Bankamwabo, President)
FRODEBU	Front pour la démocratie au Burundi (Mr. Sylvestre Ntibantunganya, President)
INKINZO Y'IGAMBO RY 'ABARUNDI	Parti d'opposition (Mr. Alphonse Rugambara, President)
PARENA	Parti pour le redressement national (Mr. Jean-Baptiste Bagaza, President)
PBS (RPB)	Rassemblement du peuple burundais (Mr. Ernest Kabusnemeye, President)
PIT	Parti indépendent des travailleurs (Mr. Nicéphore Ndimurukundo, President)
PL	Parti libéral (Mr. Gaétan Nikobamye, President)
PP	Parti du peuple (Mr. Shadrack Niyonkuru, President)
PRP	Parti pour la réconciliation du Peuple (Mr. Mathias Hitamana, President)
PSD	Parti social démocrate (Mr. Vincent Ndikumasabo, President)
RADDES	Ralliement pour la démocratie et le développement économique et social (Mr. Cyrille Sigejeje, President)
UPRONA	Union pour le progrès national (Mr. Charles Mukasi, President)

Annex II

List of members of the Government, 5 October 1994

Prime Minister - Mr. Anatole Kanyenkiko (UPRONA), Tutsi

From the parliamentary majority (FRODEBU, PP and RPB parties and forces in favour of democratic change):

1. Minister of State for Foreign Affairs and Cooperation, Mr. Jean-Marie Ngendahayo (FRODEBU), Tutsi (Ganwa)

2. Minister of Finance, Mr. Salvador Toyi (FRODEBU), Hutu

3. Minister of Town and Country Planning and Environment, Mr. Séverin Mfatiye (FRODEBU), Hutu

4. Minister of Community Development, Mr. Pierre-Claver Nahimana (FRODEBU), Hutu

5. Minister of Labour, Crafts and Vocational Training, Mr. Vénérand Bakevyumusaya (FRODEBU), Hutu

6. Minister of Secondary and Higher Education and Scientific Research, Mr. Liboire Ngendahayo (FRODEBU), Hutu

7. Minister of Human Rights, Social Action and Advancement of Women, Mrs. Marcienne Mujawaha (FRODEBU), Hutu

8. Minister of Public Health, Mr. Charles Batungwanayo (FRODEBU), Hutu

9. Minister of Communications, Mr. Germain Nkeshimana (FRODEBU), Hutu

10. Secretary of State attached to the Minister of the Interior and Public Security, in charge of public security, Mr. Issa Ngendakumana (FRODEBU), Hutu

11. Minister of Transport, Postal Services and Telecommunications, Mr. Védaste Ngendanganya (PP), Hutu

12. Minister of Energy and Mines, Mr. Ernest Kabushemeye (RPB), Hutu

From the Parliamentary minority and other opposition parties (UPRONA, PIT, RADDES, INKINZO):

13. Minister of the Interior and Public Security, Mr. Jean-Baptiste Manwangari (UPRONA), Tutsi

14. Minister of Development Planning and Reconstruction, Mr. Salvator Nzigamasabo (UPRONA), Tutsi

15. Minister of Reintegration and Reinstallation of Displaced and Repatriated Persons, Mr. Libéré Bararunyeretse (UPRONA), Tutsi

16. Minister of Agriculture and Animal Husbandry, Mr. Pascal-Firmin Ndimira (UPRONA), Hutu

17. Minister of the Civil Service, Mrs. Claudine Matuturu (UPRONA), Tutsi

18. Minister of Public Works and Equipment, Mr. Onésime Ciza (UPRONA), Hutu

19. Secretary of State attached to the Minister for Foreign Affairs and Cooperation, in charge of cooperation, Mr. Luc Rukingama (UPRONA), Hutu

20. Minister of Trade, Industry and Tourism, Mr. Joseph Nzeyimana (RADDES), Tutsi

21. Minister of Education, Basic Education and Adult Literacy, Mr. Nicéphore Ndimurukundo (PIT), Tutsi

22. Minister of Youth, Sports and Culture, Mr. Alphonse Rugambarara (INKINZO), Tutsi

Neutral members

23. Minister of Justice, Mr. Melchior Ntahobama, Hutu

24. Minister of National Defence, Mr. Firmin Sinzoyiheba, Tutsi

25. Minister for Institutional Reform and Relations with the National Assembly, Mr. Térence Sinunguruza, Tutsi

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UNITED NATIONS **S**

Security Council

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S/1994/1153
12 October 1994

ORIGINAL: ENGLISH

LETTER DATED 10 OCTOBER 1994 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit a copy of a note verbale with attachment, dated 2 September 1994, from the Interests Section of the Islamic Republic of Iran in Washington, D.C., to the Embassy of Pakistan, to be forwarded to the United States Department of State, on the violation of the territory of the Islamic Republic of Iran by the forces of the United States of America in the Persian Gulf region.

It would be highly appreciated if the present letter were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

Annex

Note verbale dated 2 September 1994 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., to the Embassy of Pakistan in Washington, D.C.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan, and has the honour to quote the attached messages in two copies, the original text and an unofficial translation, received from the Ministry of Foreign Affairs of the Islamic Republic of Iran. It is respectfull, requested that the original text of these messages be transmitted to the United States Department of State, and our office be informed of their response.

Enclosure

According to information received from officials of the Government of the Islamic Republic of Iran, United States warships positioned in the Sea of Oman and the Persian Gulf have created a nuisance for Iranian sea-patrolling aircraft and helicopters on the following dates and hours:

1. On 19 May 1994 at 1330 hours, a United States warship at the position of N2820 and E5024 warned the pilot of an Iranian sea-patrolling aircraft, whose position was N2820 and E5029, not to get closer to the warship.

2. On 31 May 1994 at 1750 hours, a United States warship warned an Iranian sea-patrolling helicopter, whose position was N2830 and E5040.

3. On 2 June 1994 at 1040 hours, a United States warship at the position of N2610 and E5435 warned the pilot of an Iranian sea-patrolling aircraft, whose position was N2545 and E5500.

The Government of the Islamic Republic of Iran protests these illegal activities by the Government of the United States, and calls for an end to such actions.

UNITED NATIONS

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General Assembly
Security Council

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S/1994/1154
11 October 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session

SECURITY COUNCIL
Forty-ninth year

THE SITUATION IN BOSNIA AND HERZEGOVINA

Letter dated 10 October 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

With reference to the letter from H.E. Mr. Amre Moussa, Minister for Foreign Affairs of Egypt, addressed to Your Excellency on 25 June 1994 (A/49/287-S/1994/894), I have the honour to transmit herewith the note by the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia. This note was handed over to the Chargé d'affaires of the Embassy of the Republic of Egypt at Belgrade on 16 June 1994.

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Note verbale dated 15 June 1994 from the Federal Ministry of Foreign Affairs of Yugoslavia to the Embassy of the Republic of Egypt at Belgrade

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia presents its compliments to the Embassy of the Republic of Egypt and, as a full-fledged member of the Movement of Non-Aligned Countries, wishes to submit through the Government and the Ministry of Foreign Affairs of the Republic of Egypt, as the host of the Eleventh Ministerial Conference of the Movement of Non-Aligned Countries held at Cairo from 31 May to 3 June 1994, its reservations to the text of the adopted final document, under the heading "Bosnia-Herzegovina" [A/49/287-S/1994/894, annex, paras. 199-207]. It is expected that, in accordance with the practice of the Movement of Non-Aligned Countries, these reservations will be included in the final document of the Ministerial Conference and circulated to all the members of the Movement.

The Federal Ministry is compelled to submit these reservations because one-sided assessments and inaccuracies about the complexity of the crisis in the former Yugoslavia, particularly in Bosnia and Herzegovina, are contained in the said paragraphs of the final document and the responsibility for the tragic events is assigned exclusively to one of the three parties to the ongoing civil war. Such an approach is not conducive to the calming down of the conflict and to a peaceful political solution of the crisis. Particularly unacceptable are the formulations denying the existence of the Federal Republic of Yugoslavia and the position supporting the continued maintenance of the unjust and unfair sanctions against the Federal Republic of Yugoslavia.

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia wishes to express to the Ministry of Foreign Affairs of the Republic of Egypt once again its deep regret and disappointment that the Yugoslav delegation was prevented from participating in the work of the Eleventh Ministerial Conference of Non-Aligned Countries, which we consider a gross violation of the democratic practice and tradition of the Non-Aligned Movement.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/1155
12 October 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 11 OCTOBER 1994 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a table showing the 790 miscellaneous bombs, rockets, shells and other ordnance, some of the remnants of the 30-Power aggression against Iraq, that were found and dealt with in all parts of Iraq in the period 1-30 September 1994.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Monthly bomb-disposal statement, 1-30 September 1994

No.	Governorate	Human losses		Number and type of ordnance disposed of
		Dead	Injured	
1	Baghdad	1	1	1 detonator from American grenade container 74 anti-personnel mines 1 Russian-made 82-mm mortar shell 1 Russian-made 60-mm mortar shell 18 miscellaneous shells (2 illumination and 16 target acquisition) 1 Russian-made assault grenade 1 Russian-made defence grenade 31 Russian-made RPG-7 rockets 1 missile propellant charge 320 Russian-made detonators for 57-mm gun
2	Najaf	1	-	2 spherical bombs
3	Babil	-	-	2 155-mm artillery shells
4	Diyala	-	-	1 Iranian-made defence hand-grenade
5	Qadisiyah	-	-	3 rockets
6	Ninawa	-	-	1 60-mm mortar shell
7	Muthanna	-	-	5 launcher rockets 23 defence shells 1 hand-grenade
8	Dhi Qar	-	-	1 American-made hand-grenade 1 60-mm mortar shell
9	Maysan	-	-	20 cluster bombs 1 Iranian-made defence hand-grenade
10	Ta'mim	-	-	3 spherical bombs 1 helicopter missile
11	Basra	-	-	211 cluster bombs 2 spherical bombs 18 miscellaneous mortar shells 9 rockets 3 RPG rockets 6 106-mm artillery shells 7 100-mm artillery shells 20 mortar-shell detonators

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UNITED NATIONS **S**

Security Council

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S/1994/1156
13 October 1994

ORIGINAL: ENGLISH

LETTER DATED 12 OCTOBER 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am writing to you concerning the letter dated 7 October 1994, addressed to you by the Permanent Representative of Croatia (S/1994/1139) and, upon instructions of my Government, I have the honour to inform you of the following.

By intentionally misinterpreting the note verbale by the Secretary-General (S/1994/5/Add.70) on unauthorized flights in Bosnia and Herzegovina, Croatia seeks to shift the attention of the Security Council from the reality on the ground to wanton speculations.

That is yet another proof that Croatia has not abandoned its propaganda intended to discredit the peaceful and constructive policy pursued by the Federal Republic of Yugoslavia in the search for a negotiated political solution to the crisis in the former Socialist Federal Republic of Yugoslavia, in particular to the war in Bosnia and Herzegovina. The above-mentioned letter of Croatia is just the latest blatant illustration of that.

While the incitement of the anti-Yugoslav campaign has been instrumental in mobilizing Croatia's domestic public, it cannot possibly lead to the much-needed normalization of the very complex situation in the former Socialist Federal Republic of Yugoslavia. Such attempts shall not divert the Federal Republic of Yugoslavia from its path of a consistent policy of peace, which is increasingly gaining recognition by the international community.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

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UNITED
NATIONS

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General Assembly
Security Council

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Forty-ninth year

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Rwanda

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the reports prepared by Mr. René Degni-Ségui, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda (see annexes I and II), in accordance with paragraph 20 of Commission on Human Rights resolution S-3/1 of 25 May 1994 and Economic and Social Council decision 1994/223 of 6 June 1994.

ANNEX I

Report on the situation of human rights in Rwanda prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Commission resolution S-3/1 and Economic and Social Council decision 1994/223

INTRODUCTION

1. At its third special session, the Commission on Human Rights adopted resolution S-3/1, dated 25 May 1994, by which it requested its Chairman to appoint a special rapporteur to investigate at first hand the human rights situation in Rwanda and to receive relevant, credible information on the human rights situation there from Governments, individuals and intergovernmental and non-governmental organizations, and to avail himself of the assistance of existing mechanisms of the Commission on Human Rights.

2. The Commission requested the Special Rapporteur to visit Rwanda forthwith and to report on an urgent basis to the members of the Commission, no later than four weeks from the adoption of the resolution. In accordance with that provision, the Special Rapporteur visited Rwanda and some neighbouring States from 9 to 20 June 1994. During that mission, he was accompanied by Mr. Bacre Waly Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, and Mr. Nigel Rodley, Special Rapporteur on matters relevant to torture, who accepted his invitation and placed at his disposal their experience and expertise.

3. The Special Rapporteur would also like to thank the Rwandese "interim Government" and the Rwandese Patriotic Front (FPR) for their cooperation.

4. He also wishes to thank all those who supported him in the preparation and realization of his mission. He is particularly grateful to the United Nations Rwanda Emergency Office (UNREO), the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) for the logistic assistance they gave him. He also wishes to express his deep gratitude to the Force Commander of the United Nations Assistance Mission to Rwanda (UNAMIR) and his officers for their support and generous cooperation, in difficult circumstances, during his stay in Rwanda. Lastly, the Special Rapporteur thanks all those who sent him information on the situation of human rights in Rwanda, particularly the non-governmental organizations, and invites them to continue such cooperation in the future.

5. It should be mentioned that the Special Rapporteur's mission was a follow-up to that of the High Commissioner for Human Rights on 11-12 May 1994 (E/CN.4/1994/S-3/3) and, to a certain extent, to that of the Special Rapporteur on extrajudicial, summary and arbitrary executions, Mr. Bacre Waly Ndiaye, in April 1993 (E/CN.4/1994/7/Add.1).

6. This report, which is based upon information, testimony and documents received from various sources, cannot claim to be exhaustive, the time factor prohibiting this. It is simply a modest attempt to paint an overall picture of the human rights situation in Rwanda, a general view which will make it possible to guide future inquiries. This general view, designed to enlighten the Commission while meeting some of its concerns, relates to the preliminary measures adopted by the Special Rapporteur and to the reported events and resultant violations of human rights and, lastly, contains a series of recommendations.

I. PRELIMINARY MEASURES

7. Before going into the field to carry out a preliminary investigation and report to the members of the Commission on the situation of human rights in Rwanda, the Special Rapporteur discussed with his team the mandate he had received and the methods to be used in carrying it out.

A. Mandate

8. The mandate entrusted to the Special Rapporteur contains two elements:

(a) To report to the Commission on Human Rights on the situation of human rights in Rwanda, including the root causes and responsibilities (a "horizontal" inquiry);

(b) To make available to the Secretary-General systematically compiled information on possible violations of human rights and of international humanitarian law.

The Commission has affirmed that all persons who committed or authorized such violations are individually responsible for them and that the international community would exert every effort to bring them to justice (a "vertical" inquiry).

9. These obligations to investigate and report are complementary and should be carried out within the framework of the same structure, in two stages which are interdependent and overlapping. The collection of information for the report to the Commission on Human Rights (and to other United Nations organs, as requested by resolution S-3/1) and the drafting of recommendations for concrete and immediate action to save lives, must be given priority.

10. In practice, the two stages are complementary in that the sources of the information are the same. Likewise, information collected for one aspect of the mandate clarifies the other. For example, an investigation of the structure of the armed forces of the two parties to the conflict is needed to formulate recommendations for ending the massacres while, at the same time, it will supply the basis for determining individual responsibilities, in the light of the chain of command. "Horizontal" investigations of the first stage will give a general picture of the information available and the most effective way of obtaining it, both of which are essential before beginning the in-depth investigation, in the second stage, of certain specific cases. The first stage will also make it possible to identify priorities in terms of investigations (e.g. an analysis of the broadcasts of the radio stations close to the Government and their link with the massacres of Tutsi and moderate Hutu, with a view to establishing individual responsibility and identifying particular massacres which could be examined in greater detail).

11. In order to ensure that the two stages are complementary, the information must be collected, recorded and analysed in a way such that it will be usable in the event of a trial by a national or, if appropriate, international court.

12. The way in which the two stages can be put into effect is influenced by the events in the field and, above all, by the need to ensure the safety of

the investigators in a situation of armed conflict. In view of the dangers incurred, particularly by the victims and witnesses, both in Rwanda and in the countries in which they have taken refuge, the collection of information should begin with the numerous international organizations and agencies active in the area, together with journalists, members of the clergy, etc., in Rwanda, in other countries of the region or in Europe. The vast majority of these have already shown great willingness to supply any useful information to the Special Rapporteur.

13. This in-depth investigation will be carried out by a team of human rights specialists, dispatched to the field by the High Commissioner for Human Rights, in accordance with resolution S-3/1 of the Commission on Human Rights. During his first visit to the region, the Special Rapporteur also endeavoured to prepare for the work of this team, the first two members of which are already in place.

B. Consultations and field visits

14. Following his appointment on 25 May 1994, the Special Rapporteur went to Geneva and Brussels - pending completion of the logistic and administrative preparations for his mission to Rwanda - for consultations with the Centre for Human Rights, representatives of States, and members of non-governmental organizations working for the defence of human rights.

15. Between 6 and 9 June 1994, he met representatives of the Governments of Rwanda, Burundi, Zaire, Canada, Cameroon, Nigeria, France and Belgium and of a large number of human rights organizations, who commented upon and gave him information concerning the situation of human rights in Rwanda. Having learned, during his stay in Geneva, of the murder of the Archbishop of Kigali, the Bishop of Kabgayi and 10 priests by the FPR and - probably as a reprisal - of the execution by the Rwandese Armed Forces (FAR) of 63 other persons, the Special Rapporteur sent letters on 9 June 1994 to both the FPR and the "interim Government" to condemn those actions, to ask that everything possible be done to prevent any recurrence of such incidents and to demand that the perpetrators of those crimes be prosecuted, with full defence guarantees. A letter was also sent to the Government of France requesting that the black box of the presidential aircraft be made available to the Special Rapporteur. The Government of France replied, on 17 June 1994, that it was not in possession of the black box and that the request should be addressed to the "interim Government". The same request having been addressed to the Rwandese General Staff, it replied that it knew nothing about it.

16. Between 9 and 15 June 1994, the Special Rapporteur met in Brussels, Nairobi, Bujumbura and the South Kivu area of Zaire, the Special Representatives of the Secretary-General for Rwanda and Burundi, the Force Commander of the United Nations Assistance Mission to Rwanda (UNAMIR), the UNREO Coordinator and several members of his staff, the UNHCR Special Envoy and several members of his staff, many representatives of the United Nations agencies, institutions and programmes currently active in Rwanda, representatives of the ICRC and of international non-governmental organizations supplying humanitarian assistance and of human rights

organizations, as well as a large number of individuals, both Rwandese and nationals of other countries, who supplied evidence on violations of human rights in Rwanda.

17. From 16 to 20 June, the Special Rapporteur visited Rwanda, where he met the UNAMIR Force Commander and several other officers, the Chief of Staff of the Rwandese Armed Forces, the Prefect of the City of Kigali and two members of the staff of the gendarmerie, as well as representatives of the FPR. During his stay in Rwanda, the Special Rapporteur visited several places sheltering persons displaced by the conflict, as well as the Amahoro Stadium, the King Fayçal Hospital and Kigali Airport. He also visited the ICRC Hospital in Kigali. These various visits have made it possible for him to try to reconstitute the events.

II. THE REPORTED EVENTS

18. The attack on the aircraft on 6 April 1994 which cost the lives of Juvénal Habyarimana, President of the Rwandese Republic, Cyprien Ntyamira, President of the Republic of Burundi, several persons in their entourage and the crew, seems to have been the immediate cause of the grievous and tragic events which Rwanda is currently undergoing. That is probably why the Commission on Human Rights has requested the Special Rapporteur to "receive relevant, credible information on the human rights situation" in Rwanda "including on root causes and responsibilities for the recent atrocities". These atrocities consist mainly of massacres and other deeds related to them.

A. The massacres

19. At the moment when the presidential aircraft crashed to earth, the internal situation in Rwanda was tense and explosive for a number of reasons: frustration at the delays in implementing the Arusha Peace Agreement of 4 August 1993, the reign of terror by the militias, the murders of opposition leaders and human rights activists and persistent rumours that each of the two parties - the Government and the FPR - was preparing for war. The death of President Juvénal Habyarimana was the spark to the powder keg which set off the massacre of civilians. The next day, fighting resumed between the Government forces and the FPR. To date, that is until the moment of drafting this report, the acts of violence have not ceased. They are conspicuous both in their extent and in their characteristics.

1. The extent of the massacres

20. The Rwandese have indeed been the victims of a number of massacres in the past, notably in 1959, 1963, 1966, 1973, 1990, 1991, 1992 and 1993. However, those being perpetrated at present are unprecedented in the history of the country and even in that of the entire African continent. They have taken on an extent unequalled in space and in time.

21. The atrocities have extended over the entire national territory. A distinction must, however, be made between the governmental area and the area controlled by the FPR. In the first area, most of the massacres are carried out by the militias of the National Revolutionary Movement for Democracy and Development (MRND) - the interahamwe ("those who attack together") - and of

the Coalition for the Defence of the Republic (CDR) - impuzamugbmi ("those who have a single aim"), and are directed against the Tutsi in general and against Hutu who are considered moderate, i.e. against unarmed and defenceless people. Examples, supplied by trustworthy witnesses, are not lacking. A few may be mentioned: in Butare, several thousand persons have been massacred or mutilated; in Gisenyi, thousands of Tutsi have suffered the same fate, some of them having allegedly been buried alive in common graves in the town's cemetery; in the parish of Nyundo (prefecture of Kibuye), more than 560 persons have been killed including, 56 members of the clergy and nuns and 11 lay ministers; atrocities have also occurred in Kibuye itself, particularly in the stadium and the parish church; at Gikongo, a quarter of Kigali, on one day, Sunday 10 April, the street was covered with corpses for the length of a kilometre. At Kiziguro, a parish on the road between Kabiro and Murambi, a common grave was found containing several hundreds of corpses and a few survivors crying for help. In Cyangugu, the number of persons massacred to date is estimated at more than 25,000.

22. In the area controlled by the FPR, the cases of massacres reported are rather rare, indeed virtually non-existent, perhaps because little is known about them. The Government authorities accuse the FPR of having massacred several thousand civilians. According to a Rwandese "interim Government" statement made at Geneva on 24 May 1994, "FPR combatants have carried out systematic massacres of ethnic Hutu by making use in particular of their identity cards ... In the areas controlled by the FPR, thousands of people were savagely massacred and interred in common graves prepared well before the beginning of hostilities". There is no eyewitness evidence to confirm this information. At the request of the Special Rapporteur, senior officers of the Rwandese Armed Forces have promised to furnish documentary proof of those allegations. The FPR has been accused of removing persons from the displaced persons camps and executing them. This fact also, which might explain the absence of prisoners of war, has not been established or confirmed by other evidence. It should be noted that the FPR has promised to present prisoners of war to the human rights observers. What is certain, however, is that the FPR has been guilty of summary executions. For example, on 9 June 1994, FPR soldiers killed a number of members of the clergy, including two bishops and the Archbishop of Kigali. An operation carried out by the FPR on 16 June 1994 to evacuate Tutsi from the parish church of Saint Paul resulted in the deaths of several persons. According to the "interim Government", they were killed because they belonged to the Hutu ethnic group. The representatives of the FPR replied that some persons may well have been killed during the combat but that, in the heat of the action, there had been no time to sort out Hutu and Tutsi and any such acts were unintentional. The following day, an attack on a UNAMIR vehicle had killed one military observer and seriously wounded another. On 19 June 1994, despite three unfortunate precedents and the urgent appeal by the Special Rapporteur that humanitarian organizations should not be targeted, a shell had once again fallen in the compound of the ICRC hospital, killing one person and wounding several others.

23. The massacres had not begun on the same day throughout the territory of Rwanda. It was, of course, Kigali which started them on the night of 6 to 7 April with the massacre of Mrs. Agathe Uwilingiyimana, the Prime Minister, Joseph Kavaruganda, President of the Supreme Court, and several members of the Government, together with 10 Belgian members of UNAMIR. On the other hand,

Butare and Cyangugu remained calm for more than a week and were not caught up into the cycle of violence until their prefects had been dismissed and replaced by Hutu extremists. Concordant and reliable witnesses have stated that the new President of the Republic went to Butare to urge the Hutu population to engage in massacres. In Cyangugu, despite the delay, the number of persons massacred on 20 April reached, according to certain witnesses, some 15,000. It is alleged that the Armed Forces blocked all the roads leading to Zaire to prevent the survivors from escaping and the Prefect is alleged to have said that he had received "orders from above" to that effect. Those massacres are still continuing. Veritable manhunts have been carried out from house to house, from family to family, from village to village by members of the militias who, at the present time, are not hesitating to raid the so-called displaced persons' camps. Thus, on 14 June 1994, they carried off 40 young men and, on 17 June, had it not been for the firm intervention of UNAMIR, the "Mille Collines" Hotel would have witnessed a blood bath: a group of armed militiamen had already entered it.

24. In all, the number of persons killed throughout the territory is to be numbered in the hundreds of thousands, estimates ranging from 200,000 to 500,000. In fact, even the latter figure is probably less than the reality. Some observers think that the figure is close to a million. It is not sure that the exact number of victims will ever be known. What is absolutely certain, on the other hand, is that the international community is watching a human tragedy that appears to be well-orchestrated.

2. The nature of the massacres

25. The massacres are all the more horrible and terrifying in that they give the impression of being planned, systematic and atrocious.

26. The massacres do seem to have been planned. There are various pieces of evidence pointing to this conclusion. The first is the campaign of incitement to ethnic hatred and violence orchestrated by the media belonging to the Government, or close to it, such as Radio Rwanda, and above all Radio Télévision Libre des Mille Collines (RTLM). The second is the distribution of arms to the civilian population, and more particularly to members of the militias. Pastoral letters issued by the Bishop and priests of Nyundo diocese in December 1993 condemn this distribution of arms to the population. Furthermore, the members of the militias are reported to have undergone intensive training at military installations from November 1993 to March 1994. To this must be added the reign of terror carried out by the militias and the assassination of political figures. The third sign is the exceptional speed of events after the death of the President of Rwanda: the "provisional Government" was formed within only a few hours of the accident, according to a reliable international source. In addition, barricades were set up between 30 and 45 minutes after the crash of the aircraft, and even before the news of it had been announced on the national radio. A credible witness reports that, 45 minutes after the explosion, the road from the Hotel Méridien to Amahoro Stadium was blocked by soldiers and civilians and that he had been stopped twice by the latter. Senior officers of the General Staff whom the Special Rapporteur met acknowledge these facts, but assert that there was a justification for them: President Habyarimana was so popular that his murder by the FPR angered the people and elements in the armed forces. Finally, the

fourth indication is the existence of lists giving the names of persons to be executed. It seems to have been on the basis of these lists that various opposition leaders were murdered.

27. The massacres are systematic in nature. Whole families are exterminated - grandparents, parents and children. No one escapes, not even newborn babies. But what is even more symptomatic is that the victims are pursued to their very last refuge and killed there. This is true of ecclesiastical buildings, particularly churches, which once served as a refuge for the Tutsi, but have now become the scene of their holocaust. The same applies to hiding places in the roofs or other corners of houses and in the woods and forests, to which the attackers set fire to make sure that they leave no survivors behind them. The same applies also to the frontiers, which are blocked to prevent the Tutsi from escaping to neighbouring countries. At the third special session of the Commission on Human Rights, the representative of Médecins sans frontières gave a fairly typical example, which is worth quoting:

> "At 700 metres from the frontier with Burundi, 80 persons were seen running towards it ('like cattle') chased by a group of militiamen with machetes. One person was hacked to death in front of us. The others succeeded in reaching the frontier, but unfortunately a group of militiamen was awaiting them there. Less than 10 persons got across the frontier, the others having been hacked to death." (end of April 1994)

28. The killings are carried out under atrocious, appallingly cruel, conditions. They are preceded by acts of torture or other cruel, inhuman and degrading treatment. Generally, the victims are attacked with machetes, axes, cudgels, clubs, sticks or iron bars. The killers sometimes go so far as to cut off their fingers, hands, arms and legs one after another before cutting off their heads or splitting their skulls. Witnesses report that it is not uncommon for the victims to plead with their executioners or offer them money to let them be shot rather than hacked to death. It has also been reported that, when the Tutsi have shut themselves in a room or a church which the militiamen cannot get into, the military come to their aid, breaking down doors, throwing in grenades and leaving it to the militia to finish things off. This barbarism does not spare either children in orphanages or patients in hospital, who are taken away and killed or finished off. Mothers have been forced to beat their children, while Hutu staff working for Médecins sans frontières (Butare, end of April 1994) were obliged to kill their Tutsi colleagues. Those who had the courage to refuse were killed. It has even been reported that the killers, after executing their victims in the open street, in front of everyone, cut them up into pieces, and some do not hesitate to sit on the bodies and drink beer while waiting for prisoners to come and take the bodies away.

B. Other facts

29. The facts described below are the direct result of the war and the massacres combined. They concern those who were lucky enough to survive the killing and who are still struggling to stay alive. They are reflected in insecurity and exodus.

1. Insecurity

30. The whole of Rwandese territory is in a state of total insecurity, which has three closely linked aspects.

31. The first aspect, immediately perceptible, is the physical and moral dimension, which means, for the few who escaped the massacres, an instinctive effort to preserve their physical and moral integrity. They are, of course, in danger of running into one party to the conflict or another - the Rwandese Armed Forces (FAR), the militias or, alternatively, the FPR. Membership of the right ethnic group or political party can ward off the danger, as when Hutu encounter the FAR or militiamen, or Tutsi or Hutu moderates meet FPR soldiers, but that does not mean that they have escaped once and for all. Shell and mortar fire into the centre of a town does not distinguish between military camps and civilians' houses. Worse still, no precautions seem to be taken to prevent installations belonging to humanitarian organizations from being hit. A striking example is the shell which hit the ICRC Hospital on 19 July 1994, killing a member of the staff and wounding several others. The FPR, which was responsible for that action, justified it on the grounds that members of the FAR were sheltering behind the hospital in order to attack its troops - such an attitude cannot but demoralize the survivors. Other organizations, such as UNAMIR, have been deliberately targeted.

32. The second aspect is food insecurity. Famine is at the gates of Rwanda. Large parts of the territory seem to be entirely abandoned. Along the roads from Kigali to Byumba or to the Ugandan frontier at Kagitumba, for example, most of the villages are deserted, and the crops are not being harvested. There is a real threat of famine, particularly in the southern areas of the country, which have also been suffering from drought. The Special Rapporteur has received information that, in the displaced persons' camps in Rwanda, there have been cases of death from malnutrition, despite all the efforts being made by international organizations to provide humanitarian assistance.

33. The third aspect is health insecurity, or more precisely unhealthy conditions. Many observers have emphasized the danger of epidemics due to bodies rotting in the open air or thrown into rivers, which are liable to pollute the water. Many people, both displaced persons and others, are eking out a precarious existence which leaves them weak and thus more vulnerable to disease. It should not be forgotten, either, that Rwanda has one of the world's highest rates of infection with the AIDS virus. Efforts are being made to vaccinate people in displaced persons' camps, but the medical facilities in operation are not adequate to provide the necessary care. The Special Rapporteur visited the ICRC Hospital in Kigali, where he was most impressed by the selfless devotion of the medical staff, and also by the immense amount that has been achieved.

2. Exodus

34. The conflict in Rwanda has led to an exodus without precedent in this small country's history. This exodus is particularly striking in that it has a twofold aspect, the movement of displaced persons within the country being combined with the flight of refugees abroad.

35. The hostilities between the forces of the "provisional Government" and those of the FPR, and particularly the fear of massacres, have led to mass movements of population within the country. There are said to be over 2 million people who have left their home villages for other regions where they feel more secure. With the development of the conflict and the advance of the FPR, a large part of the population is constantly on the move, fleeing the fighting. The FPR's military advance to the south-west and the wave of displaced persons it will undoubtedly set in motion could make the situation throughout the region particularly explosive. It is estimated that up to 2 million people are trapped at this moment between the front line and the frontiers with Burundi and Zaire, both of which are at present closed to Rwandese refugees. Others find themselves in places from which they no longer dare budge, for fear of massacres. Although they are not being kept there by force, they are, in fact, hostages of the conflict. They are in various places, both in the capital and in other towns and regions of the country. During his stay, the Special Rapporteur was able to visit several centres for displaced persons, including the Amahoro Stadium, the King Fayçal Hospital and a camp set up at Kigali Airport. These centres, and others, are being protected by UNAMIR, and the various humanitarian organizations are making immense efforts to improve their situation, which nevertheless remains extremely precarious.

36. The hostilities, and above all the massacres, have caused many other Rwandese to leave their country and take refuge in neighbouring States. Thus, Zaire has taken in more than 50,000 refugees in the regions of South Kivu and Bukavu. A considerable number of them are nationals of Burundi, who had taken refuge in Rwanda during the violence in Burundi in October-November 1993. Burundi has received more than 85,000 refugees, who are in camps situated mainly in the Ngozi and Kirundo regions. But it is Tanzania that is giving shelter to the greatest number of refugees, estimated at 410,000, 330,000 of them in the Benaco camp alone, which is thus the world's biggest refugee camp. The total number of refugees is close to a million. This huge flow of refugees is also creating serious problems for the host countries, which are incurring risks, not just because of the overpopulation and insecurity resulting from the presence of the newcomers, but also because the political and ethnic tensions between Tutsi and Hutu are spilling over into their territories. The danger is considerable in Zaire, but even more so in Burundi, whose population is made up of the same ethnic groups. In addition, these countries are coming up to elections.

37. The refugees themselves are not able to escape from the insecurity caused precisely by the way the problems have been carried over into their camps. During his visits to a number of camps in the South Kivu region of Zaire, the Special Rapporteur was informed that several of them were being used as training bases for members of the militias. Cases of murder, torture and disappearance had also been reported. At Luvungi camp, near the Rwandese frontier, he had been able to note the tension that existed between Hutu and Tutsi refugees, when two international civil servants, one from Mali and the other from Senegal, had been verbally attacked and accused of being Tutsi spies. The Special Rapporteur has himself been interrogated several times concerning his nationality.

38. The situation is even more explosive and disturbing at Benaco camp in Tanzania. Between 28 and 29 April 1994, some 250,000 persons crossed the Rwandese frontier into the Ngara district of Tanzania. The great majority of them were Rwandese of Hutu ethnic origin fleeing the FPR's advance in eastern Rwanda. It was following this unprecedented inflow that UNHCR set up the Benaco camp, which at present holds over 330,000 persons, at a distance of some 17 km from the Rwandese frontier.

39. It has been found that the same structures of authority prevail in this camp as in Rwanda, and it is to be feared that the parties' militias are active there. It very quickly became evident to the camp administrators that among the persons sheltered there were some who were accused of having organized, or at least taken part, in the massacres in Rwanda, witnesses having recognized them. Fourteen of them, who were suspected of having taken part in the massacres and seemed to be in fear of their lives, agreed to be taken into protective detention by the Tanzanian police. On 15 June 1994, however, these 14 suspected persons were released by the Tanzanian police on condition that they did not return to Benaco. They had not kept their word, and an attempt by UNHCR to make them leave the camp resulted in a disturbance involving some 5,000 persons, who engaged in violent demonstrations and threatened the staff of the humanitarian organizations, saying that they would deal with them in the same way as the 10 Belgian United Nations peace-keepers, who had been tortured and mutilated before being killed in Kigali. It is reported that murders have been committed at Benaco, some of which seem to have been politically motivated.

40. Several observers encountered by the Special Rapporteur considered that the human tidal wave which preceded the establishment of Benaco - because of its planned and organized nature - looked like a strategic withdrawal on the part of members of the militias responsible for the massacres in Rwanda and their associates. Fears have accordingly been expressed that the camp may be used by the militias as a rear base for incursions into Rwandese territory, thus enabling them to continue to perpetrate violations of human rights.

II. VIOLATIONS OF HUMAN RIGHTS

41. The events described above undoubtedly constitute grave and massive violations of human rights. The question is to determine what is the nature of these violations, what are their causes and who are the culprits.

A. Nature

42. The charges are three fold: genocide through the massacre of the Tutsi, political assassinations of a number of Hutu and various violations of human rights.

1. Genocide of Tutsi

43. Eminent persons, including the Secretary-General of the United Nations, have not hesitated to describe the massacre of the Tutsi as genocide. It is necessary to confirm by reference to the facts that this term is appropriate.

44. Article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 states: "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group."

45. It appears from this definition that the crime of genocide has three constituent elements, which might be summed up as follows:

(i) A criminal act

(ii) "With intent to destroy, in whole or in part"

(iii) A particular group "as such".

46. There does not seem to be any doubt about the first condition, in view of the massacres perpetrated (II (a)), and even of the cruel, inhuman and degrading treatment (II (b)). The second is not difficult to establish, either, since such a clear and unambiguous intention is contained in the constant incitements to murder put out by the media (particularly RTLM) and reproduced in leaflets. And even if that were not so, the intention could have been deduced from the facts themselves, on the basis of a variety of concordant indications: preparations for the massacres (distribution of firearms and training of members of the militias), number of Tutsi killed and the result of a policy of destruction of the Tutsi. The third condition, on the other hand, requiring that the ethnic group should be targeted as such, raises a problem, because the Tutsi are not the only victims of the massacres, in which Hutu moderates have not been spared. But the problem is more apparent than real, for two reasons: firstly, many witnesses confirm that the vetting carried out at roadblocks to check identities was aimed essentially at the Tutsi. Secondly, and above all, the main enemy, identified with the FPR, is still the Tutsi, who is the inyenzi (cockroach), to be crushed at all costs. The Hutu moderate is merely a supporter of the main enemy, and is targeted only as a traitor to his ethnic group, which he dares to oppose.

47. There is a document put out by the General Staff of the Rwandese army, dated 21 September 1992, which distinguishes between the main enemy and his supporters and which instructs the military hierarchy to give it a wide circulation. According to the terms of this document, the former "is the Tutsi within the country or abroad, an extremist nostalgic for power, who has never accepted and still does not accept the reality of the Social Revolution of 1959 and who wants to gain power in Rwanda by any means, including arms". The latter "is any person who gives any support to the main enemy". The

supporter can be a Rwandese or a foreigner. There are a number of documents in existence confirming this distinction and testifying to the fact that Hutu moderates are massacred only as associates or supporters of the Tutsi.

48. The conditions laid down by the 1948 Convention are thus met, and Rwanda, having acceded to it on 16 April 1976, is required to respect its principles, which would be binding upon it even without any treaty obligation, since they have acquired the force of customary law. In the Special Rapporteur's view, the term "genocide" should henceforth be used as regards the Tutsi. The situation is different in the case of the assassination of Hutu.

2. Assassination of Hutu

49. Members of the Hutu ethnic group, as already stated, have also been the victims of massacres. But at this stage a distinction has to be made. On the one hand, there are Hutu moderates, with whom, by extension, certain foreigners, such as Belgians, are assimilated and who comprise essentially the political opposition and human rights activists. They form a ready target for elements of the government armed forces and members of the militias. On the other hand, there are Hutu extremists, comprising essentially members of the militias, who are said to be liable to execution, simply on the basis of a denunciation, in areas controlled by the FPR.

50. These acts constitute murders, and more specifically political assassinations, violating the right to life, which is a fundamental right contained in many international instruments.

51. Though all these conventions could be cited, two only will suffice, the relevant provisions of which are binding on the Rwandese State, which has acceded to them. They are, first, the International Covenant on Civil and Political Rights of 16 December 1966 and, secondly, the African Charter on Human and Peoples' Rights of 28 June 1981. The political assassinations represent a flagrant violation of these instruments. It should be pointed out that the right to life is a fundamental right, which exists independently of any treaty obligation and which must be respected in all circumstances.

3. Other violations

52. A number of other and no less important rights have also been the subject of serious violations by the parties to the conflict. These violations relate both to human rights stricto sensu and to international humanitarian law.

53. In conjunction with the right to life, the other rights violated cover a fairly wide range. The following examples will suffice: the right to physical and moral integrity, whereby torture and other cruel, inhuman and degrading treatment are forbidden, a right established in many international legal instruments, particularly the International Covenant on Civil and Political Rights and the African Charter of Human and Peoples' Rights (it is worth noting that this right is also a fundamental one that must be observed in all circumstances); the principle of non-discrimination or right to equal treatment, freedom of movement or travel, two rights established in the

Conventions mentioned above; and refugee law, which is governed by the international instruments relating to the status of refugees, including the Convention of 28 July 1951, to which Rwanda is party.

54. International humanitarian law is not being respected either. Many of the acts alleged, such as murder, political assassination, execution of hostages and other inhuman acts committed against the civilian population or unarmed soldiers by the armed forces of the two parties to the conflict constitute war crimes in direct violation of the four Geneva Conventions of 12 August 1949, which have been ratified by Rwanda, and their common article 3. It may be noted at this stage that the FPR has told the ICRC that it considers itself bound by the Geneva Conventions and their Additional Protocols. Furthermore, the assassinations and other inhuman acts committed against the civilian population, like the acts of persecution for political motives combined with the war crimes, constitute crimes against humanity.

B. The causes

55. The causes of human rights violations in Rwanda are of various kinds: economic, social, political, cultural, and so on, three of which are immediately apparent and indicative of the present situation, namely, the rejection of alternate political power, incitement to hatred and violence, and impunity.

1. Rejection of alternate political power

56. The rejection of alternate political power, which typifies French-speaking black Africa in general, takes on a special form in Rwanda, where it has strong ethnic overtones. The reason for what is taking place in Rwanda is not ethnic as such, but rather political, the aim being the seizure of political power, or rather the retention of power, by the representatives of one ethnic group, previously the underdogs, who are using every means, principally the elimination of the opposing ethnic group, but also the elimination of political opponents within their own group. From this standpoint, the portrayal of the main enemy and their supporters, as mentioned above, is quite revealing. The resistance to the Arusha Peace Agreement of 4 August 1993 is indicative of this and even of the rejection of simple power sharing or political coexistence.

57. The rejection of alternate political power implies the absence of the rule of law, for the rule of law guarantees political alternation and both are basic requirements of multi-party democracy. In Rwanda, the rule of law has thus been replaced by the rule of violence and confrontation. The rules of democratic legality based on respect for the law have been swept aside. Political democracy is being replaced by the law of the gun, and the peaceful transfer of political power through the ballot box has given way to the seizure of power by force of arms, with its inevitable killings and barbarism.

2. Incitement to ethnic hatred and violence

58. False rumours and tracts designed to inflame ethnic hatred and encourage violence are constantly circulating in Rwanda. The Tutsi are portrayed, for example, as "bloodthirsty, power-hungry and determined to impose their rule on

the people of Rwanda by means of the gun". They are even said to be preparing to exterminate the Rwandese people. Repeated appeals are made to the Hutu proclaiming the "ten commandments", which advocate an ideology of apartheid to keep the Tutsi from returning to power. This is a long-standing campaign, as pointed out in various reports, including those of the International Commission of Inquiry on gross violations of human rights since 1 October 1990 (7-21 January 1993), comprising representatives of several non-governmental organizations, or the report submitted by Mr. Bacre Waly Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to Rwanda from 8 to 17 April 1993 (E/CN.4/1994/7/Add.1).

59. One new and significant development, however, is the deep involvement of Radio Rwanda, the national broadcasting station controlled by the President, and in particular of Radio-Télévision Libre des Mille Collines (RTLM). A striking fact is that the broadcasts of these stations in French differ significantly from those in Kinyarwanda, the only language spoken by virtually all Rwandese. While broadcasts in French are inoffensive, those in Kinyarwanda are highly aggressive in tone. RTLM does not hesitate to call for the extermination of the Tutsi and it is notorious for the decisive role that it appears to have played in the massacres. It is known as the "killer radio station", and justifiably so. According to Reporters sans frontières, at the end of April this propaganda organ of the Hutu extremists proclaimed that "by 5 May, the cleansing of the Tutsi must be completed" and that "the grave is still only half full, who will help us to fill it?". This campaign is, as a senior United Nations official has pointed out, made more dangerous by the fact that the generally illiterate Rwandese rural population listens very attentively to broadcasts in Kinyarwanda; they hold their radio sets in one hand and their machetes in the other, ready to go into action.

3. Impunity

60. Impunity, like incitement to hatred and murder, is a recurrent cause of the massacres. The political party militias put up road blocks, check the identity of those passing through, arrest Tutsi and moderate Hutu and execute them in the street, in front of everyone and watched by members of the gendarmerie and FAR. The armed forces, far from bothering the militias, actually help them. This is also true of some local authorities, prefects or mayors, who have been personally involved in the slaughter.

61. No legal steps have been taken against those responsible for the earlier and present massacres, although they are known to the public and the authorities. On the contrary, they continue to live quietly and move about freely, quite undisturbed and with complete impunity. Worse still, many local officials who particularly distinguished themselves by their acts of cruelty, have been promoted, whereas those who managed to keep the peace and prevent massacres were quite simply dismissed. A case in point is that of the Mayor Jean-Baptiste Gatete, notorious for his crimes, who was made Chief of Cabinet to the Minister for Family Affairs in June 1993. The second category includes the Prefect of Butare, who was killed, and the Prefect of Kibungo, who was dismissed. As has been noted, the slaughter in the two prefectures began immediately they were replaced.

C. The perpetrators

62. At the current stage of his investigation, the Special Rapporteur is not in a position to identify by name all those responsible for the violations and abuses committed. He does, in fact, have lists of the names of individuals involved in the planning and execution of the atrocities. However, it will take time for him to establish the chain of responsibility and draw up a list of the perpetrators as they are identified.

63. As far as the organs or authorities involved in the recent atrocities are concerned, however, some responsibility can be apportioned immediately to:

The Rwandese State authorities and, in particular, senior national political figures, such as a number of ministers; various components of the government security forces, such as the Presidential Guard, the Rwandese Armed Forces (FAR) and the gendarmerie; and some local authorities, prefects and mayors;

FPR organs, particularly those in charge of its military activities;

Private individuals such as members of the militias, leaders of extremist political parties (MRND and CDR) and the founders and broadcasters of RTLM;

Some light needs also to be shed on the responsibility of certain foreign States and their interference in Rwandese politics;

Finally, the role of the international community and, in particular, the response of the United Nations to the urgent needs of the population, especially with regard to security and humanitarian assistance, calls for examination. In this connection, the Special Rapporteur wishes to associate himself with those who have deplored the reduction of UNAMIR personnel on 21 April 1994, which has seriously restricted its ability to protect persons in danger.

64. It is against this background that the attack on the presidential aircraft must be examined by the Special Rapporteur, to determine any links between those who ordered it and those responsible for the massacres. The precise circumstances of the murder of moderate members of the "interim Government", including the Prime Minister, and of 10 Belgian soldiers, must also be ascertained. The links between the political party militias, particularly the interahamwe, the Presidential Guard, the Rwandese Armed Forces and the gendarmerie, must also be investigated in order to determine the chains of command and individual responsibility. On the basis of that investigation, the Special Rapporteur will be in a position to make appropriate recommendations to the Commission on Human Rights.

65. The Rwandese "interim Government" also bears a full measure of responsibility for having refused to take effective steps to prevent the violations of human rights and international humanitarian law, including genocide. From the outset of the atrocities, the Rwandese leaders maintained that the massacres would cease only with the end of the armed conflict.

During his meeting with the Chief of Staff of the FAR, the Special Rapporteur was told that the Rwandese authorities could appeal to the general population to stop the massacres and would be heeded, but that the conclusion of a cease-fire agreement was a prerequisite for any such appeal.

IV. RECOMMENDATIONS

66. The Special Rapporteur's recommendations, which take due account of the emergency situation obtaining in Rwanda, are divided into immediate measures and short-term and medium-term measures.

A. Immediate measures

I

67. The United Nations should:

Demand that the parties to the conflict put an immediate end to the war and to the genocide and other gross violations of human rights perpetrated in Rwanda. The cessation of hostilities should be unconditional and should cover both massacres and acts of war; and

To this end, it should appeal to the consciences and individual sense of responsibility of the leaders of the parties to the conflict.

II

68. The United Nations should invite the leaders of the parties to the conflict:

To make an urgent and solemn appeal to their troops, to militias and to armed civilians to halt the massacres forthwith under pain of severe and effective punishment; and

To take specific measures to disarm the militias and armed civilians. This disarmament should take place under the supervision of a neutral international force which could consist of UNAMIR II reinforced by contingents from members of the Organization of African Unity (OAU), whose rapid and complete deployment should be made possible; and

To disband the armed militias and similar organizations.

III

69. The United Nations should demand that the government authorities:

Also make a solemn and urgent appeal to those in charge of the media, particularly Radio-Télévision Libre des Mille Collines, to cease immediately the broadcasting of war propaganda; and

Take appropriate steps to prohibit any campaign or rumour likely to give rise to racial hatred and violence, under pain of severe punishment.

IV

70. The United Nations should solemnly:

Condemn the genocide perpetrated in Rwanda and stress the horrifying, abominable and unacceptable nature of such acts;

Inform the perpetrators that, once identified, they will have to answer for their acts and omissions to the competent authorities, in whatever part of the world they happen to be;

Request States which have granted asylum or other refuge to persons involved in the massacres to take the necessary steps to ensure that they do not escape justice.

V

71. The United Nations, in cooperation with OAU, should take the necessary steps to ensure the protection of orphans, displaced persons and refugees by:

Establishing a reception centre or orphanage to receive orphans, so as to shelter them from any danger and to provide them with decent living conditions and schooling. The centre would be financed by a special "solidarity" fund, financed by the Member States and managed by a board whose status and procedures will have to be determined;

Ensuring that the rights of refugees and displaced persons are respected, particularly with regard to their safety and living conditions, while reminding them that they, too, have obligations, particularly towards the host States, and that they must refrain from any act likely to contravene national or international law;

Strengthening the resources of the Office of the High Commissioner for Refugees to enable it to undertake studies to determine the conditions for the return of refugees and displaced persons to their country or villages; and

Establishing without delay crossing areas which will enable the people of Rwanda to place themselves under the protection of the authorities of their choice.

B. Short-term and medium-term measures

I

72. The United Nations, in cooperation with OAU, should take appropriate steps to:

Induce the parties to the conflict to negotiate, in good faith and with due regard to the Arusha Agreement of 4 August 1993, the terms for peace, democratic transition and national reconciliation and unity; and

Call on the parties to implement in good faith the agreements thus reached. The agreements must not in any way provide, as part of a political settlement, for the impunity of those responsible for acts of genocide and other crimes against humanity. On the contrary, they must establish mechanisms for the effective punishment of those responsible. That is one of the prerequisites for national reconciliation and unity.

II

73. The United Nations should ensure that the transition to democracy leads to free and fair elections on the basis of a constitution establishing national democratic institutions which take due account of the legitimate interests of the two communities concerned, with a view to genuine national integration.

III

74. The United Nations should, within the framework of the peace negotiations:

Stress the need for national reconciliation and unity. In this regard, the new constitution should contain provisions for the prohibition and severe punishment of acts of incitement to ethnic hatred and violence. No official document, national identity card, driving licence, family registration book or the like should contain any reference to membership of an ethnic group. Any ethnically based party or association should be prohibited; and

Take measures to establish, or help to establish, a radio station broadcasting in both French and Kinyarwanda, to be responsible for providing education in human rights and in the scrupulous respect for human dignity. The funding and management arrangements would be the same as those for the orphanage referred to earlier.

IV

75. Pending the establishment of a permanent international criminal court, the United Nations should establish an ad hoc international tribunal to hear the evidence and judge the guilty parties or, alternatively, should extend the jurisdiction of the international tribunal on war crimes committed in the former Yugoslavia.

V

76. The United Nations should establish in Rwanda a reinforced team of human rights observers under a high-level coordinator responsible to the Special Rapporteur.

ANNEX II

Report on the situation of human rights in Rwanda prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Commission resolution S-3/1 and Economic and Social Council decision 1994/223

Introduction

1. In accordance with the mandate entrusted to him by the Commission on Human Rights in its resolution S-3/1 of 25 May 1994, the Special Rapporteur made a second visit to Rwanda from 29 to 31 July 1994. The purpose of this visit was to assess the situation of human rights in Rwanda since the finalization of the preliminary report which the Special Rapporteur had submitted to States members of the Commission on Human Rights on 28 June 1994 (E/CN.4/1995/7) and to establish contact with the new Rwandese authorities in order to discuss with them problems relating to human rights and, in particular, the situation of the refugees and displaced persons.

2. The Special Rapporteur was able to hold talks on 28 and 29 July 1994 in Nairobi, and from 29 to 31 July in Kigali and Gitarama, with representatives of the new Rwandese Government, senior officials of various United Nations agencies working in Rwanda and representatives of non-governmental organizations. The persons he met included: Mr. Paul Kagame, Vice-President of the Republic and Minister of Defence; Mr. Faustin Twagiramungu, Prime Minister; Mr. Alphonse-Marie Nkubito, Garde des Sceaux, Minister of Justice; Mr. Jean-Marie Vianney Ndagijimana, Minister for Foreign Affairs; Mr. Joseph Nsengumana, Minister of Higher Education and Scientific Research; Mr. Mugbo Rie, Minister of Labour and Social Affairs; Mr. Shahryar Khan, Special Representative of the Secretary-General for Rwanda; General Roméo Dallaire, Force Commander of the United Nations Assistance Mission to Rwanda (UNAMIR); Mr. Michel Moussalli, Special Envoy of the United Nations High Commissioner for Refugees (UNHCR); Mr. Arturo Hein, Humanitarian Coordinator of the United Nations Rwanda Emergency Office (UNREO), and his Executive Director; Mr. Bernard Kouchner; and the Liaison Committee of Human Rights Leagues and Associations in Rwanda (CLADHO).

3. The Special Rapporteur wishes to express his thanks to all these persons who assisted him and thus facilitated his visit, in particular to the Force Commander of UNAMIR for his logistic support.

4. As a result of the various talks held, it was possible to assess the situation prevailing in Rwanda, stress being laid on the insecurity and the return of refugees and displaced persons, and to reach agreement with the authorities on certain points.

I. THE INSECURITY IN RWANDA

5. The fundamental problem raised by the current situation in Rwanda is that of security. The end of the armed conflict has not put an end to insecurity. The hostilities have left in their train nothing but ruin and desolation: great loss of human life, considerable damage to property, bereaved families, towns emptied of their inhabitants, etc.

6. Admittedly, since the fall of Gisenyi on 15 July 1994 and the cease-fire, life is gradually beginning to reappear. In Kigali and Gitarama shops are being cleaned or are already open, small markets are opening here and there, and the large market in Kigali reopened on 27 July. The Special Representative of the Secretary-General for Rwanda remains fairly optimistic, taking the view that "a great change will occur" in two or three months' time, meaning that life will return to normal. But the chief concern of insecurity remains. It is characterized by three essential features; the illegal occupation of abandoned houses; banditry and summary executions; and the virtual non-existence of administration by the State.

A. The illegal occupation of abandoned houses

7. People are illegally occupying houses abandoned by their fleeing owners or tenants. The most difficult case seems to be that of former refugees, particularly those who fled the country after the massacres of recent years. On returning to Rwanda, they claim their land and settle in the houses of displaced persons or other refugees. The Government is thus confronted with an awkward dispute, which is all the more serious since public buildings are in some cases also occupied illegally. The Public Prosecutor's Office in Kigali has thus been converted into a restaurant, with placards stating that fact, and legal files have been converted into charcoal for fires to make porridge and tea.

8. Admittedly, the Government has set up an inter-ministerial committee, headed by the Ministers of the Defence and the Interior, with the aim of restoring the rights of owners, considering that they have priority over the former refugees. However, the problem will be only partly resolved, not to say moved elsewhere, since it is necessary to find houses to accommodate the new arrivals and land available for building or the growing of crops. The difficulty here lies in the fact that Rwanda is only 26,338 square kilometres in area for a population estimated at roughly 8 million before the hostilities; in other words, it has a very high density of 350 inhabitants per square kilometre. The question arises whether the heavy losses caused by the massacres, and then the epidemics will be offset by the return of the former refugees. The difficulty can be grasped more clearly if one remembers that the overpopulation of Rwanda is one of the underlying causes of the armed conflict. In addition to this difficulty, there is the problem of banditry and summary executions.

B. Banditry and summary executions

9. In the towns in Rwanda banditry and robbery are rampant. Armed gangs ransack houses and huts. There are also reports of disappearances and abductions, as well as summary executions. The latter acts are, according to persistent rumour, the work of the Rwandese Patriotic Front (FPR). The members of the Government, who implicitly acknowledge the facts, do not attribute responsibility to the FPR. They do not, however, deny the fact that rogue elements of the FPR or the army may engage in such acts as reprisals. But responsibility for the disappearances and summary executions may also be attributed to victims' relatives taking vengeance on the murderers or members of their families. Mention is also made of members of militias in Kigali and certain other parts of Rwanda. They are reportedly threatening to continue their summary executions and have already killed a soldier and thrown him into a sewer. The new Government has apparently undertaken "immediate action against the troublemakers" to ensure the security of persons and property. But this initiative is jeopardized by the non-existence of a genuine administrative structure.

C. The virtual non-existence of administration by the State

10. The virtual non-existence of administration by the State constitutes the third element which, in fact, possibly accounts for the other two. The former political, judicial and administrative authorities, dominated by the Hutu ethnic group, fled the country at the same time as the members of the armed forces as the FPR army advanced. Many officials of the central and local administration, particularly prefects and mayors, thus deserted the country, as did magistrates and, above all, members of the security forces, the police force and the army. The media thus reported, on Tuesday, 2 August 1994, the presence in Goma of some 20,000 government troops. This could be a considerable underestimatation.

11. The FPR, which has won a military victory, has only an embryonic administration, a war administration, which at the present time is fulfilling a transitional role; in fact, everything remains to be done. The country needs to be rebuilt virtually from nothing. The critical situation of insecurity in Rwanda is not reassuring for those who live there, and even less for the refugees whose return is earnestly desired by the international community.

II. THE RETURN OF THE REFUGEES AND DISPLACED PERSONS

12. The chief concern of the international community at the present time is the return of the refugees and displaced persons to Rwanda. These people are living in precarious conditions but are loath to return out of fear of reprisals by the new authorities - notwithstanding the measures taken to reassure them.

A. The distressing living conditions

13. The Rwandese refugees have been and still are living in distressing and tragic conditions as a result of their exodus and exile.

1. The exodus

14. Fleeing the victorious advance of FPR elements, millions of people burst across the borders of neighbouring States in search of refuge, particularly in Zaire. The number of these refugees is simply huge. One international weekly reported on 28 July 1994 that 12,000 refugees an hour were arriving in Goma. Other sources within United Nations agencies put the figure at 20,000 an hour. In addition to civilians, there were several thousand government soldiers, mingling with or following the throng.

15. This human tidal wave brought with it not only hunger, thirst and exhaustion due to the long walk and the weight of baggage, but also numerous accidental deaths (trampling underfoot, suffocation, etc.) and murders. Moreover, the arrival of the survivors brought no relief from their suffering, as their living conditions were equally distressing.

2. The refugees in exile

16. The exodus of Hutu served to deplete the population of Rwanda still further. At the end of July, the number of refugees created by the war and the massacres was estimated at approximately 2.5 million. The refugee population is distributed as follows: 1.2 million at Goma, 500,000 in Sud-Kivu, 300,000 to 400,000 in the United Republic of Tanzania, 150,000 in Burundi, and 10,000 to 12,000 in Uganda. Goma, which is the base for "Operation Turquoise", has thus become the leading refugee centre, ahead of the Bénaco camp in Tanzania. A tragic situation arose from the fact that Goma, which previously had only 300,000 inhabitants, experienced a sudden influx of an additional 1.2 million persons, thus quadrupling its population. The overpopulation of this Zairian city, in precarious living conditions, contained the seeds of a human tragedy which made it a case on its own. The consequences were predictable. Famine was followed by a cholera epidemic, which killed several thousand persons. The figures given are imprecise and in dispute, varying from one source to another, but the number of deaths is estimated at between 20,000 and 50,000. The cholera epidemic was compounded by a recent outbreak of dysentery, which might perhaps be of epidemic proportions. Journalists have added to the list of Rwanda's ills the threat of a volcanic eruption (involving two volcanoes, the Nyiragongo and the Nyamuragira, situated a few dozen kilometres north of Goma, as reported in the international press of 24-25 July 1994).

17. Despite these sufferings, the refugees are hesitant to return to their country because they fear for their lives.

B. The fear of reprisals

18. The Hutu refugees in the various neighbouring States, and more particularly those at Goma, want to return home, but are afraid that the new, predominantly Tutsi political authorities may take vengeance and massacre them. They are thus caught in a difficult dilemma, the only available option being either to die of disease (cholera, dysentery, etc.) or to risk reprisals. Their fears, which originated in the genocide against the Tutsi, are nurtured and indeed exacerbated by Radio Télévision Libre des Mille Collines (RTLM) and by the former Government in exile.

1. The activities of the RTLM

19. The RTLM has continued its campaign of incitement to ethnic hatred and violence. It reportedly called on the Hutu to leave Rwanda and take refuge outside the country, particularly in Zaire, for fear of being massacred by the new authorities. The appeal itself is said to have been accompanied by barely concealed reprisals against recalcitrants. In this connection, the Special Rapporteur has been informed of one of the sayings going round in Goma: "The wolves sleep with the sheep". And the wolves tell the sheep "Don't go back, stay with us", implying that, should the sheep refuse, they would suffer the inevitable penalty of being eaten by the wolves.

20. The pressure exerted by the RTLM is made all the stronger and more effective by the fact that it is well known as the radio of the Rwandese and that the Rwandese have a "radio culture", with their radios turned on practically all the time. At one point public opinion was pleased to learn that "the radio that kills" had stopped broadcasting, and it was even reported that French troops had neutralized it. However, this proved to be untrue, since as soon as Monday, 1 August 1994, the international press was again deploring its existence and the campaign orchestrated by it.

2. The activities of the former Government

21. The campaign conducted by the RTLM backs up the activities of the former Rwandese authorities. Concordant and reliable testimony reveals that those authorities called upon the Hutu population to follow them into exile, raising fears that it would be massacred by the RPF and the Tutsi. This appeal reportedly formed the subject of a full-fledged campaign by the media, prefects, army and gendarmerie officers and mayors. It appears to have been seen much more as an order than as a mere recommendation, with those to whom the message was addressed not having a choice. Large numbers of Hutu

were forced to follow, thus becoming what can only be described as hostages, while those who refused were considered as collaborators with the Tutsi and were massacred as a result. In this connection, there are reports that a number of people, including a teacher, testified that they had gone to Goma against their will "in order not to risk their lives". All the signs are that this mass exodus of people to the States bordering Rwanda, and more especially Zaire (Goma), was not spontaneous and disorderly but forced and planned. The Hutu are afraid both of the massacres allegedly perpetrated by the new Tutsi authorities and of those actually committed by the former Hutu authorities. This situation has led the FPR, under pressure from the international community, to take measures to reassure the refugees and displaced persons.

C. Measures to reassure the refugees and displaced persons

22. Various measures have been taken by the new Government and the international community to encourage the refugees and displaced persons to return home.

1. The new Rwandese Government

23. The new Rwandese Government has basically done two things to encourage Rwandese to return to the country.

24. The first is the statements made by the highest authorities of the State. The President of the Republic, the Vice-President and the Prime Minister have all called upon the refugees to return, assuring them that they have nothing to fear either for their person or for their property. They have been told that they will recover what they left behind and that their rights will be given priority over those of earlier refugees. Such a commitment - admittedly given at the domestic level, but under the gaze of the international community - is not without genuine significance. However, some observers fear that the refugees do not have access to the information broadcast over Rwandese radio because the broadcasting range is limited to the Kigali region. Members of the Government have, however, said that this objection is only relative, and applies only to FM radio broadcasts. The important question here is whether the refugees listen or have the time to listen to Rwandese radio. Moreover, even supposing they do, might they not consider the Government's pledge as mere political rhetoric or even a trap, bearing in mind the whole campaign orchestrated by the former Rwandese authorities? Consequently, statements must be followed up as soon as possible by specific implementation measures in order to win over sceptical refugees.

25. The second Government act was the agreements concluded by the President of the Republic at the end of July 1994 with his four counterparts in the neighbouring States of Zaire, Tanzania, Burundi and Uganda. In these international instruments, the States concerned basically agree on four points:

(a) The return of the refugees to Rwanda in complete freedom;

(b) The non-use of the territories of the States of refuge as a base for destabilizing Rwanda;

(c) The disarming of military personnel and other armed persons;

(d) The immediate closing down of mobile radios, where they exist, that incite people to ethnic hatred.

26. Were they to be applied, these agreements would serve to encourage the return of the Hutu refugees to Rwanda. However, these measures are not enough in themselves and must be complemented by action on the part of the international community.

2. The international community

27. The term "international community" must be interpreted lato sensu as encompassing not only United Nations bodies but also member States and the various non-governmental organizations helping to safeguard human lives in the field.

28. The international community, in this broad meaning, has taken a whole series of measures designed to promote the return of the refugees and displaced persons in full security. Without listing them all, a few of the more recent ones may be mentioned by way of illustration:

(a) the establishment of humanitarian staging posts along the routes taken by returning refugees is contemplated by UNHCR and UNAMIR. These "humanitarian routes" would, in particular, link Goma and Bukavu to Kigali and there would be water, food and medicine supply posts at regular intervals;

(b) Technical and logistic support and delivery of provisions is envisaged, not in the refugee camps or on the "humanitarian routes", but directly in Rwanda. This is the strategy adopted by the United States of America to attract the refugees and thus promote their return to Rwanda. A start has already been made in implementing this policy, with the disembarkation of United States troops and equipment on Sunday, 31 July 1994;

(c) The creation of radio stations broadcasting information to the refugees. Such information would relate to their security and would offset the alarmist rumours spread by Hutu extremists. Two radio stations have already been set up for this purpose. The first, run by the Swiss section of Reporters without Borders under the direction of the journalist Philippe Dahinden, has in principle begun broadcasting from Bukavu in Zaire, while the second, also run by Reporters without Borders, should broadcast from Goma. However, these measures are still not enough, and the Special Rapporteur has therefore put forward a number of proposals that have received the agreement of the Government.

III. PROPOSALS AND RECOMMENDATIONS

29. In his discussions with members of the Government, the Special Rapporteur made a number of suggestions or proposals which were favourably received. These proposals, some of which, it is true, already seemed to have been adopted, are designed essentially to encourage the return of the refugees and social peace in Rwanda. They relate to non-recourse to reprisals, additional measures of reassurance and deployment of United Nations human rights experts in the field.

A. Non-recourse to reprisals

30. The main aim of the Special Rapporteur's approach to the new authorities in Kigali was to make sure that they would not engage in summary executions. The Special Rapporteur was satisfied by the reply that he received from the various personalities he met, a reply which was in fact completely unambiguous. It may be summarized as follows: the new Government pledges not only to refrain from taking measures or acts of reprisal but also to punish any persons engaging in such acts. The Prime Minister stated: "I undertake not to permit any summary executions, and any persons guilty of such executions will be punished ... Impunity cannot be tolerated in this country."

31. Impunity being one of the sources of serious human rights violations, including genocide, in Rwanda, the Government asserts its firm determination to eliminate it. To this end, a rapid reorganization of the judicial machinery is being undertaken by the Minister of Justice. It was also asserted no less firmly that non-recourse to reprisals and the prosecution of those guilty of genocide, a question which is inextricably linked with it, are essential conditions for the national reconciliation and unity that are vitally necessary. The Special Rapporteur took note with satisfaction of these views, which coincide with those he expressed in his preliminary report.

32. Non-recourse to reprisals, as referred to in the aforementioned statements by the three leading political figures of the State and which does not exclude prosecution of persons guilty of genocide, has a twofold objective. Firstly, in the immediate future, the aim is to reassure refugees that they can return to their land and homes in complete peace of mind and security. The second goal, over the longer term, is to prevent individuals from taking the law into their own hands and thus bring lasting social peace back to Rwanda.

33. In the immediate future, however, this position, praiseworthy and commendable though it is, is nevertheless limited. The Special Rapporteur therefore proposed additional measures.

B. Additional measures of reassurance

34. The Special Rapporteur suggested that the political authorities should take a number of specific measures, in addition to those already adopted, in order to further reassure the refugees. Those suggestions concern both immediate and short-term measures.

1. Immediate measures

35. Immediate measures include:

(a) An information campaign aimed at the population within Rwanda, deploring and condemning the massacres, extending sympathy to victims and bereaved families, assuring them that the guilty will be tried and punished by the courts and urging them to refrain from taking the law into their own hands, on pain of severe penalties;

(b) Circulars, service notes and instructions addressed to all national or local authorities, calling on them not to tolerate any act of reprisal and to institute proceedings against any persons guilty of such acts;

(c) Regulations prohibiting and laying down heavy penalties for acts of incitement to ethnic hatred or violence. In this connection, the Special Rapporteur welcomed the fact that, according to members of the Government, the new identity cards no longer contain a reference to ethnic origin.

2. Short-term measures

36. The short-term measures recommended by the Special Rapporteur have to do mainly with education regarding human rights and strict respect for human dignity. This education would be provided both by schools and by radio broadcasts. It would be a matter simply of incorporating it into curricula and programmes. The short-term impact of such action can be gauged in terms of Rwanda's "radio culture" and its medium-term impact in terms of the school's role in educating future generations.

37. Long-term measures should be taken as soon as possible and supplemented by the deployment of United Nations human rights experts in the field.

C. Deployment of United Nations human rights experts

38. The Special Rapporteur finally secured the Rwandese authorities' acceptance of the idea of deploying United Nations human rights experts throughout the country. He emphasized the role of such experts and the plan of action for them.

1. The role of United Nations human rights experts

39. The presence of experts in the field presents definite advantages by virtue of the various roles which they can play: persuasion, deterrence, prevention and defence.

40. The first involves restoring the confidence of the refugees and displaced persons so that they can return with complete peace of mind; the presence of such experts is in itself reassuring in that it can provide them with a guarantee against further massacres. It is also a deterrent in that the new authorities will beware of carrying out reprisals in the presence of United Nations experts who, in addition, will ascertain the good faith of the authorities and their sincerity in not carrying out reprisals.

41. Deterrence leads to prevention i. that it prevents further violations of human rights by virtue of the presence of United Nations experts who will monitor the return of the refugees, making sure of their safety and helping them to settle in again, with their rights being strictly observed. Finally, defence will purely and simply involve assisting with inquiries in the field in order to determine the facts regarding the various violations of human rights by the parties to the conflict and the perpetrators of massacres and genocide.

2. Plan of action

42. The action envisaged by the Special Rapporteur comprises three stages. Firstly, to take account of the limited resources of the Centre for Human Rights and the urgency of the matter, the number of United Nations experts would be restricted to 20 assigned as follows:

(a) Ten to monitor the refugees over the entire length of the "humanitarian routes" referred to above;

(b) Ten others, one in each of the following 10 major population centres: Kigali; Butare (136 km from Kigali); Byumba (75 km); Gitarama (53 km); Kibungo (108 km); Kibuye (139 km); Gisenyi (175 km); Gikongoro (165 km); Ruhengeri (116 km); Cyangugu (291 km). As the refugees and displaced persons reach their homes, the experts deployed along the "humanitarian routes" could reinforce those assigned to the above-mentioned locations.

43. In a second phase, as soon as resources allow, the United Nations should deploy between 150 and 200 experts throughout Rwanda for a period of not less than six months, in order to monitor not only the return, but also the reconstruction of Rwanda, and to conduct the necessary inquiries to ascertain the facts regarding the massacres. In this way, the plan will come into full operation during the difficult initial period of national reconstruction when human rights and fundamental freedoms could be open to serious violations.

44. Thirdly, at the end of the period of national reconstruction, the United Nations should begin to gradually withdraw its experts in the field, leaving only about 50 of them to conclude the inquiry by the end of the Special Rapporteur's mandate.

45. Collectively, these measures, if implemented, should overcome the reluctance of refugees and displaced persons, enable them to return en masse and guarantee their safety. At present, the United Nations escort operations have been interrupted in order to avoid importing the cholera epidemic into Rwanda. It is to be hoped that the epidemics will soon be halted and that the Rwandese refugees will be able to return to their lands and their homes without difficulty.

46. International assistance with the reconciliation and reconstruction efforts in Rwanda is vital. Accordingly, the Special Rapporteur associates himself with the urgent appeal made by the United Nations High Commissioner for Human Rights on 2 August 1994 to the international community for voluntary contributions to support the early deployment of human rights experts in the field, with the necessary logistical backup.

47. Inquiries are currently being conducted in south-western Rwanda by the team of human rights experts established by the High Commissioner for Human Rights. They will shortly be the subject of a report.